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A coming to terms: The United States, the United Nations, and the Vietnam problem

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A COMING TO TERMS:
THE UNITED STATES, THE UNITED NATIONS, AND THE
VIETNAM PROBLEM

A Thesis
Presented to
The Faculty of the Department of
History
San Jose State University

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

By
Robert Alan Dougherty

December 2001

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ABSTRACT

A COMING TO TERMS THE UNITED STATES, THE UNITED NATIONS, AND THE VIETNAM PROBLEM

By Robert Alan Dougherty

This thesis addresses US-UN relations during the Johnson Administration's phase of the Vietnam War. It examines the attitudes of key US and UN officials regarding the latter's role in the war. Issues including jurisdiction, administration goals, diplomatic personalities, and Cold War ideology are considered in order to understand why the United Nations did not play a larger role in the war.

Thorough research has revealed the United Nations had the authority and obligation to intervene in Vietnam. Initially, the United States prevented the UN's involvement. Not until 1966, when the United States was enmeshed in a hopeless war, did it turn to the UN for help. By then, the once eager organization had reconsidered. Despite widespread concern, the UN had grown independent of American foreign policy. Thus, the organization entrusted with international peace and security turned its back on Vietnam.

Having ignored Vietnam is one of the UN's greatest tragedies.

ACKNOWLEDGEMENTS

This paper has been one of the most challenging yet rewarding pursuits I have ever undertaken. I will never forget the excitement of discovery, the frustration of extended delays, or the writer's bloc occasionally interrupted by a tidal wave of clarity and prose. I look back at every moment with fondness. As I embark upon the next step in my journey, I do so with pride and confidence, ready to embrace other challenges. Most importantly, the need to inquire and learn still persists and I look forward to future research projects.

The completion of both my graduate education at San Jose State University and this master's thesis would not have been possible if not for some invaluable people in my life. I would like to begin by thanking my wonderful sister Deb for always encouraging me. I'd also like to thank my grandfather Edward Rudorff. A true scholar, I see in him a lifelong commitment to learning and understanding history; I hope to carry on the tradition. Thanks to my parents who conceded to my insistence that studying history excites and fulfills me. I would also like to thank all of my friends, including Shon Bayer, *et al* at The Princeton Review who accepted and tolerated my thesis commitments at the expense of other social and professional responsibilities.

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Finally, I would like to formally acknowledge and thank my loving wife Laurie. Married just over one year, she has personified love and devotion since the day we met. She has supported me every step of the way through my graduate school experience, knowing when to give me words of encouragement and when to give me a swift kick. It is for her and her saintly patience that I dedicate this work.

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South Viet-Nam is already under attack- sometimes by a single assassin, sometimes by a band of guerrillas, recently by full battalions. The peaceful borders of Burma, Cambodia, and India have been repeatedly violated. And the peaceful people of Laos are in danger of losing their independence they gained not so long ago.

No one calls these "wars of liberation." For these are free countries living under their own governments. Nor are these aggressions any less real because men are knifed in their homes and not shot in the fields of battle.

The very simple questions confronting the world community is whether measures can be devised to protect the small and the weak from such tactics. For if they are successful in Laos and South Viet-Nam, the gates will be opened wide.

President John F. Kennedy
in an address to the UN General Assembly
New York, 25 September 1961¹

The apostles of this [communist] philosophy are today attempting to transform the country of South Viet Nam into a proving ground for their theories. This challenge must be met--not in the interest of any single nation--but in the interest of each member of this organization. It must be met in particular in the interest of the smaller nations who cherish their right to choose and follow their own path of national development.

We are helping to meet this threat because we believe it must be met. And our goals in South Viet Nam are plain and simple. We seek only to ensure the independence of South Viet Nam, with freedom from attack and the opportunity for its people to determine their own future. We seek no territory for ourselves, no preferential position, no permanent military presence. We stand ready to withdraw our forces when Communist aggression has ended and South Viet Nam is left alone to determine its own destiny in its own way by principles of self-determination.

And above all we seek a peaceful solution. We have repeatedly stated our willingness to enter into unconditional discussion—and I reaffirm that willingness here today. And we have asked the members of the United Nations, individually and collectively, to use their influence to help bring about such discussion. We have asked the members of the Security Council and the Secretary General to help get negotiations started. And we have offered to join in a massive cooperation program for the economic development of Southeast Asia.

US Ambassador to the UN Arthur J. Goldberg
in an address to the UN General Assembly
New York, 23 September 1965²

¹ John F. Kennedy, *Public Papers of the Presidents of the United States of America: John F. Kennedy*, vol. I, (Washington, D.C.: U.S. Government Printing Office, 1962), 624.

² Arthur J. Goldberg, *The Defenses of Freedom: The Public Papers of Arthur J. Goldberg*, edited by Daniel Patrick Moynihan, (New York: Harper and Row, 1966), 13.

Introduction

An Argument for Intervention

In 1961, Vietnam's introduction to the United Nations was grandiose and poetic. By 1965, it was sadly ironic. The Vietnam War would change both the United States and the United Nations forever. In addition, the Vietnam War would change the relationship between the United States and the United Nations.

The founders of the UN had great hopes and aspirations. Like the founders of the United States' own government, these humanitarian leaders could not have perceived the future with its unique circumstances and challenges. Taking an evolutionary step from the Four Policemen (or Big Four) concept, the three primary victors of the Second World War, Britain, the Soviet Union and the United States, devised an organization whose full potential was beyond their comprehension. With the dual purpose of maintaining peace and security, the victors forged a new world order to ensure justice and human achievement for future generations. President Franklin D. Roosevelt and Prime Minister Winston Churchill had a difficult time convincing Premier Josef

Stalin of the merits of an organization with such power and influence. Stalin participated in a United Nations concept because he did not want an international organization making security decisions on his behalf. Only with the reassurance that the Soviet Union would be able to exercise the veto to keep security decisions in check would he remain in the organization. So with an obligatory nod from the Soviets, in combination with the American and British reputation for strength and prestige, the United Nations was established. With the superpowers on board, the new venture was bound for success and greatness.

Despite such promise and benevolence in its heritage, why was the United Nations on the sidelines during the Vietnam War? In such a universal arena as the 1960s-era United Nations, did any nation condemn the decisions or actions of the communists or the Americans? Were there any means to stop the fighting? Was there anything more the organization, or someone within it, could have done? This paper attempts to answer those questions affirmatively. Before one can begin to understand the decisions made and the opportunities missed, one must approach the above questions in two different ways: ideally and realistically. Ideally, the United Nations could have done more with the Vietnam War. Yes, communist and American actions could have been condemned.

Yes, there were means and attempts to stop the hostilities. Ideally, the UN—by design—could have come in to the war in Vietnam, stopped the fighting and solved the political and social problems to the satisfaction of all parties. Hundreds of thousands of lives and billions of dollars could have been saved and harmony could have been introduced to a region that had never known such a word. The United Nations, lest one forget, was created by leaders who no longer wished to fight. These men had been seen two world wars and knew that a third world war would signal Armageddon. The concept of a respected and impartial world organization was prudent: it would create a global situation in which everyone, regardless of nation or generation, could prosper. If war and aggression could not be outlawed, this organization could quickly curb it. Furthermore, if one country suffered from severe social, political, or economic problems, it could look for assistance from the UN. The world would be one great big alliance and every country would want to join in order to reap the rewards.

Idealism's nemesis has always been the acerbity of realism. A bi-polar world had replaced the traditional multi-lateral balance of power and, in doing so, stripped the world organization of its prestige and promise. This new reality, in which the UN's role was greatly diminished, would be most evident during the Vietnam

War. As the US invested more faith in the strategies of containment and flexible response and less in traditional diplomacy, the UN's struggle for legitimacy grew more futile. The US virtually ignored the UN because the superpower did not want the organization's interference in containing communism. This proved to be a cruel turn of events. The United Nations was, in large part, an American creation and therefore had always been sensitive to American foreign policy. The US had simply manipulated the UN to bolster American foreign policy from the outset. During the Vietnam War, however, the US ceased to use the UN for what it had been designed to do: preserve international peace and maintain security. In essence, the US abandoned the international organization.

Despite this fact, many political figures in both the United Nations and the United States clamored for UN involvement during the Vietnam War. These cries for international intervention (including United States Ambassador to the UN Arthur Goldberg, characterized by his excerpt above) fell on deaf ears in Washington. Why? Again, Cold War superpower diplomacy had stymied traditional diplomacy, thereby stagnating the altruistic organization. Sadly, the role of the UN during the Vietnam War, and in fact the entire Cold War, would come to mirror the role of a

hockey referee during a fight: once the fight begins, the referee does not dare get caught between the two players. Instead, he waits patiently until one (or both) of the players is too tired to fight and only then intervenes and restores order. In the case of the Vietnam War, however, the players—namely the United States and the North Vietnamese (supported by both the Soviets and the Chinese)—fought for ten years before one side became too tired to continue fighting. By that point, the UN, as international referee, could do nothing to improve the situation.

But the UN could have successfully intervened in Vietnam. Whether by way of an observation force or mediating a cease-fire (not to mention sponsoring or managing subsequent peace talks), the UN could have played an integral part in bringing peace to Vietnam. The opportunity presented itself several times during the war. In the UN's defense, it cannot be ignored that certain factors challenged the organization in doing what it was ultimately designed to do. The primary purpose of the UN is to maintain international peace and security, but the organization must be empowered to do so. Sadly, the reigning superpowers—the United States and the Soviet Union—showed little interest in letting this happen. Further, the UN must consist of members who share in this goal. The UN clearly did not have these preconditions during

the Cold War. The ideologies and fears perpetuated by the Cold War put security concerns before peace concerns.

In hindsight, Vietnam—whether capitalist or communist—did not affect either superpower's security. Vietnam has remained an impoverished Third World country that struggles every day for its survival, while the United States has prospered without a Vietnamese ally. Likewise, neither the former Soviet Union nor the People's Republic of China has viewed the communist victory in Vietnam as an invitation to promote further communist activities in Asia. At the height of the Cold War, however, winning in Vietnam was a vital objective for both superpowers. If anything, the War condemned the nations of Southeast Asia to more turmoil, bloodshed and despair.

Instead of intervening with peacekeeping or observer forces, the UN worked tirelessly to move parties to the peace table. In doing so, the UN began the process of reinventing itself. It became a champion of the world's developing nations. It focused its energy on the humanitarian aspect of its mission while the superpowers transferred the enforcement responsibility to regional alliances. The Cold War signified an unconscious metamorphosis for the UN. Thwarted by the squabbling superpowers, the UN underwent a shift from an organization of peace and security to

just an organization of peace. The UN had never been so figurative and symbolic until the Vietnam War.

Today, the US-UN alliance is still volatile. As more nations join the United Nations, their issues will take up more of the organization's resources and energy. Subsequently, the role of the United States in the United Nations will become more opaque and even insignificant. How the US adapts will determine any future role it may have within the organization. If the US chooses to cooperate with the UN (i.e. its laws and mission statement), the US will have embraced its new role in the world and in the UN. The following is a study of the United Nations' struggle with its evolving role in US foreign policy and the world during the Cold War. The "Vietnam problem" signified a coming to terms for the United States, the United Nations and their respective positions in the international arena. The "problem" with Vietnam is that it signaled the end of the honeymoon for the UN and its prominence in international affairs.

Chapter 1

The Security Council

At its idealistic core, the United Nations should function as a living symbol of democracy and cooperation. It is an enormous organization, comprised of dozens of members and sub-groups or organs. The UN Headquarters sits on an autonomous 16 acre section of New York City on Manhattan's East side. Four primary buildings make up UNHQ, the most noticeable being the Secretariat Building that overlooks the East River. At its feet, on the shore of the East River, sits the Conference Building. Behind the Secretariat Building lies the domed General Assembly Building, connected to the Conference building to form an L-shape around the Secretariat Building. Across from the General Assembly Building sits the Dag Hammarskjöld Library. A beautiful fountain bisects the two buildings and defines the central plaza. All three structures are flanked by the long row of flagpoles displaying the flags of each member. The line of flags is bowed.

almost pointing visitors from First Avenue in the direction of the plaza.¹

The responsibilities of monitoring and enforcing peace and security lies within the Security Council. This group is the vital element—the core—whose inclusion and ubiquity, allowed the UN to succeed and whose absence doomed the League of Nations to fail.

Although there are several organs that comprise the UN, the Security Council is clearly the most powerful and influential. As a result, the UN, ultimately, is ruled and managed by an oligarchy. Of the nineteen chapters in the UN Charter, five deal exclusively with the Security Council and its powers. Similarly, of the 111 rights or articles in the Charter, 46 directly state or infer the Security Council's powers and responsibilities. Thus, almost 50% of the Charter is devoted to the Security Council. This fact reinforces two absolutes: the Security Council's power is preeminent and the maintenance of international peace and security is a priority; nearly everything else in the Charter and the United Nations overall is a supplement or support mechanism for the Security Council. The Security Council's power—whether literal or figurative—is awesome.

¹ United Nations, *Your United Nations: the Official Guidebook*, (New York:

The Security Council consists of 15 members: 10 elected by the General Assembly every two years and five permanent members. These privileged five are the five victorious allies from the Second World War: China, France, Great Britain, Russia and the United States.² The president of the Security Council is a delegate from one of the 15 nations and his term lasts one year before rotating onto the next (alphabetical) member nation. Issues are discussed and debated among the 15 members and invited guests (who have no voting privileges) and then voted upon. This process exists even in determining which issues will be placed on the Council's agenda for formal debate. If one of the five permanent members vetoes a Council decision, the issue dies—there is no override. This power of the veto has plagued dozens of

United Nations Publication Office, 1987), 4.

² It must be noted that, although both China and France played little part in the Allied victory, Roosevelt believed their presence as great powers in the postwar world would restore and promote their prestige in Asia and Europe respectively. It is interesting to note that neither Churchill nor Stalin wanted to share center stage with China. Stalin considered Russia to be both a European and an Asian power and did not want China presented as the preeminent power in Asia. Additionally, he and Churchill argued that Europeans would not recognize China as one of their potential enforcement authorities. China's inclusion in postwar planning was done at Roosevelt's insistence, yet its secondary status was a conciliatory effort to appease Churchill and Stalin. China was aware of its role and approved every proposal brought before it to ensure its place in the postwar world and organization. See Townsend Hoopes and Douglas Brinkley, *FDR and the Creation of the U.N.*, New Haven: Yale University Press, 1997, 70: 95. Also, discussion of China in this context refers to Chiang Kai-shek's Nationalist China, not Mao Tse-tung's communist China. Mao's People's Republic of China would not be recognized in the UN until a General Assembly vote in 1971 voted in favor of recognizing communist China as the primary China, in both the General Assembly and the Security Council.

Cold War issues in the United Nations. It is quite simple to see that the veto is a political weapon that symbolizes the superpowers' "super powers."

The Security Council is collective security personified. Collective security can be defined as a cooperative venture to ensure the peace and security of a group of states united by mutual values, goals and respect for one another. An act of aggression on one member is perceived as an attack on the entire alliance. This is not a new or novel concept. Collective security has proven a wise choice in history; the alternative is supremacy by means of tyranny. Civilizations throughout time have engaged in such arrangements with the mutual understanding that the cooperating parties are best served by pooling their resources in defense against a larger, stronger enemy. If members cooperate and maintain shared values and goals—and this is a big "if"—then collective security can succeed.

The problem, of course, lies in the fact that nations (engaged in collective security) are seldom able to cooperate and maintain shared values for an extended period of time. The great powers that make up the Permanent Members of the Security Council are no exception. It did not take long for individual security interests to overshadow general security interests. The

former emerged as a significant obstacle among the Big Four as early as 1943 when the Allied Powers were turning the tide of the war and began to set their sights on their respective places in the postwar world.³ Roosevelt, in fact, concluded, “the nearer we come to vanquish our enemies the more we inevitably become conscious of differences among the victors.”⁴ As a result, smaller regional alliances that would emphasize more specific security interests were acknowledged as inevitable and were addressed in the UN Charter, most notably in Article 51: “nothing in the present Charter shall impair the inherent right of individual or collective self-defence [sic] if an armed attack occurs against a Member of the United Nations...” and in Article 52: “nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.”⁵ By 1967, the United States was a member of eight regional security alliances (including the Southeast Asia

³ Robert C. Hildebrand, *Dumbarton Oaks: The Origins of the United Nations and the Search for Postwar Security*, (Chapel Hill: University of North Carolina Press, 1990), 159.

⁴ Richard Hiscocks, *The Security Council: A Study in Adolescence*. (New York: The Free Press, 1973), 67.

Treaty Organization, or SEATO, which was used to justify US involvement in Vietnam; to be discussed in further detail).

Nonetheless, the UN was designed, first and foremost, to maintain peace through security. The evidence is in the UN Charter. This virtual instruction manual bears the indelible mark of the foreign policies of its founders, the administrations that would become the Permanent Members of the Security Council. The early and significant successes of tyrants like Hitler had encouraged the Big 4 to invest in collective security. Although the First World War was an example of failed collective security, it was understood why it had failed (a void of executable enforcement measures). The fact that collective security had succeeded in defeating Napoleon in the 19th century (because intolerance for the tyrant's aggression was enforced) justified a second attempt at this style of security. Collective security largely defined the Big Four's national security policies during the Cold War.

To keep the great powers committed to the concept of collective security, and in light of a growing rift between eastern and western ideologies, the Big 4 needed a guarantee that each would be able to maintain some control over decisions that

⁵ The United Nations Charter can be referenced in its entirety in Appendix A.

involved its own security. None of the great powers would put much faith in an organization over which they had little influence: they each had invested and sacrificed too much during the war. The question became how to keep the great powers involved and in control. The solution was the veto privilege in the Security Council that the great powers could use to prevent other great powers from meddling in their affairs, particularly those affairs that involved their security. Without the veto, the UN would be little better than the League of Nations—toothless.

The veto was the right to say no, granted to the great powers in recognition that peace could not be maintained without their cooperation.⁶ The veto became both a blessing and a curse. It had to be both, for although a great power could use it, the veto could also be exercised against it. During the Cold War, vetoes were used as a political weapon. It was not uncommon for a Permanent Member to veto a proposal in support of (or on behalf of) a nation that could not cast a veto itself, a non-UN member, or a UN member not on the Security Council. This kind of veto is called a “veto by proxy.” The Soviet Union practiced this kind of veto throughout the Cold War, much to the ire of the US. In this manner, the veto could be used to prevent the UN from acting in a

nation or region within a superpower's sphere of influence: it assured that some international problems would have to be solved outside of the UN.⁷ Otherwise, the UN's effectiveness would be short lived. Vietnam, in retrospect, was one such problem.

During the first dozen or so years of the UN's existence, the US enjoyed a fruitful tenure in the Security Council because it had the (Western) influence to garner a majority rule in most decisions; it never had to cast its veto. By 1990, with the Cold War over, a total of 279 vetoes had been cast by the permanent Members of the Security Council: China cast 22 during this time (Nationalist China and communist China combined; see Footnote 2), France cast 18, Great Britain cast 33, the United States cast 82, and the Soviet Union cast a staggering 124.

There are three situations in which a permanent Member of the Security Council can and will exercise a veto. The first scenario involves membership issues. The Security Council has the power and the duty to determine who can join the United Nations. The rationale behind this exclusive right lay in the belief that, as the world's policemen, only the Security Council should be able to determine who is worth defending. Thus, the veto became a political or diplomatic weapon that prevented many peaceful

⁶ Hildebrand, 36.

nations filled with potential for international contribution from joining the UN (note: once a prospective member nation is recommended by the Security Council, the General Assembly must still vote with an affirmative 2/3rd majority before the prospective member can officially join the UN).

A common argument regarding the UN's decision not to intervene in the Vietnam War is that hardly any of the combatants were members of the UN. This does not acknowledge another fact—many of the combatants had applied for membership, but a Permanent Member vetoed their requests. For example, France sponsored the membership proposals of Cambodia, Laos and the Republic of (South) Vietnam. The Soviet Union vetoed all three proposals: South Vietnam on 13 September 1952 and Cambodia and Laos a week later on 19 September.⁸

⁷ Ibid.

⁸ In its defense, the Soviet Union argued all three nations were puppet governments, hastily established by an imperial French government that wished to continue its aggressive intervention. In all, the Soviet Union would veto South Vietnam's membership proposal four times: 1952, 1955, 1957, and 1958. It is ironic that the Republic of (South) Vietnam was deemed unfit for membership. By 1964, it had a permanent delegate (albeit with no voting privileges) on 12 of 14 UN subcommittees. South Vietnam had a voice in the World Bank (IMF), the Education, Science, and Culture Organization (UNESCO), and the International Atomic Energy Agency; yet it was still seen as unqualified for membership. Only Cold War politics could explain this inconsistency. By the fourth veto, the brunt of the Soviet Union's argument consisted of the need to admit both North and South Vietnam to the UN so that each member could negotiate with one another on the subject of reunification. It was not until 1975 that this joint application was submitted. In turn, the United States vetoed the proposal, arguing that the Security Council could not possibly endorse universal membership if it had previously denied the Republic of

The second scenario in which a permanent Member will exercise a veto is in defense of a political question or situation. Dozens of crises all over the world that called for UN intervention or involvement have been presented to the Security Council in hopes of a UN solution. Examples include crises in Berlin, Cyprus, the Suez Canal, Czechoslovakia, Hungary, Afghanistan, Lebanon, the Middle East, and the Falkland Islands. The reasons for these vetoes are quite clear: a Permanent Member has opposed UN intervention in a crisis primarily in defense of the Member's national security or foreign policy interests. These substantive vetoes have resulted from three primary trends: the development of a bi-polar world (the Cold War), decolonization, and the frequency of international political crises (including civil wars). These three trends are closely intertwined and largely define the struggles the UN experienced during the first fifty years of its existence.⁹

A veto cast in substantive matters such as these is easily understood. Substantive decisions passed or authorized in the Security Council often involve troop deployment, materiel, and

(South) Korea's membership. In 1976, a united, communist Socialist Republic of Vietnam would apply for UN membership and, again the US would veto the proposal. This time, the US expressed its reservations that Vietnam could uphold the spirit of the UN Charter in light of recent human rights violations. Vietnam would be admitted to the UN the following year, in 1977. See Anjali V. Patil *The UN Veto in World Affairs, 1946-1990: A Complete Record and Case Histories of the Security Council's Veto*, (Sarasota (FL): UNIFO Publishers, 1992), 37-51.

several million dollars. An enormous risk is taken and history reveals that UN intervention is by no means a quick, easy, and successful solution. In addition, the decision to deploy troops more often than not affects the permanent Member directly; most UN-sanctioned troops wear the flag of a Permanent Member nation. If a Permanent Member is willing to send troops into a hostile environment, that Permanent Member is willing to sacrifice its own countrymen in defense of others. And because the UN has no standing army, the troops deployed to an international hotspot are troops pulled away from their primary duty: the defense of a Permanent Member's nation. As one can see, this is not an easy decision to make.

The third and final scenario in which a Permanent Member can and will exercise a veto is over matters involving organizational issues and operations within the United Nations. The fact that the Security Council has the authority to determine its parent organization's welfare, progress, and future speaks to the organ's power and influence.

As the principal decision maker in the UN,¹⁰ the Security Council engages in two types of issues: procedural and substantive matters. The former pertains to its own subsistence: the selection

⁹ Ibid., 59.

of a council president, when and where to meet, what sub-committees to establish, and other, similar functions. Decisions involving procedural issues require a 2/3-majority vote (or 9 of 15 members) only; the veto does not apply. Substantive matters include, but are not confined to, issues involving the enforcement of peace and security. This is a broad topic. Ultimately, any issue presented to the Security Council that involves maintaining or restoring peace and security is subject to the veto. Whether the issue involves the application for UN membership, the decision to intervene in an international crisis, a request to curb aggression or to settle an internal dispute, the Security Council must decide to act with Permanent Member unanimity. In order for a substantive matter to be approved or passed by the Security Council, a 2/3 majority vote is again required, but also the unanimous support of the Permanent Members. If a veto is cast, the issue, no matter how severe, perishes. It is important to note that if a Permanent Member does not support a resolution but not to the extent of exercising a veto, it can abstain from voting. By abstaining, a Permanent Member is advertising its faith in the mission of the Security Council and the United Nations. Abstention is an effort in cooperation and compromise; the Permanent Member is choosing

¹⁰ Ibid., 1.

to let progress supersede principle.¹¹ It is not uncommon that a Permanent Member will abstain from voting and it is not difficult to understand why. Once a matter is vetoed, an explanation for the veto is expected. A simple “because” is not sufficient. A veto must be clearly defined and justified or else the vetoing member’s credibility and international reputation come into question. The Cold War mindset considered power, whether it was actual or perceived, invaluable and during this era it determined how vulnerable one was. As a result, reputation and credibility were two commodities a nation (especially a superpower) could not gamble. When a veto was cast, the burden of proof was placed upon that Permanent Member to justify the decision to use such a powerful tool. It was a powerful tool that could not be used haphazardly.¹²

¹¹ Hildebrand, 36.

¹² For an interesting and unique perspective of the veto and the role it has played in the Security Council and the United Nations, please see Patil, *The UN Veto in World Affairs, 1946-1990*. Patil argues that the veto has been used appropriately and within the mission of the UN and its Charter: it has maintained a balance of power in international relations while protecting smaller nations that have fallen victim to aggression. On the other hand, he also argues that the veto cannot be the scapegoat for all of the Security Council’s failures or weaknesses. If not for the veto, Patil believes, and perhaps rightly so, the UN could have become involved in certain regional conflicts that could have escalated into major international conflicts and threatened a third world war: Vietnam for example. That said, Patil takes the Cold War perspective of the United Nations: permanent Members are driven solely by their own national security interests with no room for the advancement of international peace or progress. If this is idealistic, Patil is guilty of the same charge: he argues if a region could unite politically, it could amass a power comparable to that of a permanent Member. Cold War Eastern Europe was the region closest to political unification and it

It was within this environment and framework that the Vietnam problem was studied and addressed—energetically at times—in the Security Council as well as the General Assembly. Specifically, questions of jurisdiction, aggression, the right of self-defense, membership, international law and national self-determination of developing states were debated. These events and the resulting substantive questions presented to the Security Council, as they pertain to President Lyndon Johnson's tenure, will be the focus of this thesis.

never achieved the aim Patil visualizes. Today, with the absence of clear-cut spheres of influence, Patil's theory is even more elusive.

Chapter 2

Vietnam

Understanding the Vietnam War is no easy task. Like the Cold War, there is no official beginning. Likewise, the books will never be closed, as historians will surely debate aspects of each for the remainder of time. There are also few primary, although many secondary, players. Lastly, there exists an immense ambiguity in objectives. As a result, the study of the Vietnam War is a process as much as it is a task.

Staying focused on US-UN relations during the Vietnam War is a difficult task when the larger question—did the US belong in Vietnam—looms so heavily. This issue is a distraction. Every secondary source on the Vietnam War addresses the issue and nearly every primary document recorded during the war suggests it. Wading through the various commentaries of hawks and doves, dreamers and cynics, bureaucrats and veterans inevitably leads one to the philosophical question posed. Every attack on American involvement is unapologetically met with a justification, a counter attack and more supporting evidence. The larger question is, to this day, ultimately rhetorical and historiographic.

The scope of this study hardly allows for a detailed history of Vietnam. To better comprehend the situation in 1960s Vietnam (and Southeast Asia as a whole), however, an overview of the country's history will allow for a better understanding of the political and diplomatic climate that shaped US-UN relations during the Vietnam War. Westerners have been involved in Vietnam and Southeast Asia for centuries and have both aided and impeded Vietnam's development.

A European first set foot on Vietnam's shores in 1535.¹ Although eager to get involved in the lucrative spice trade, it didn't take long for Europeans to learn that Vietnamese, almost by a rule, hated foreigners.² It is interesting to note that Europeans were not the sole targets of this fervent xenophobia. The Vietnamese have waged several passionate wars for independence with their Chinese neighbors since before the birth of Christ.³ Regardless, it was not until 1627 that a Frenchman- a missionary named Alexandre de Rhodes- visited Vietnam. He concluded that the Vietnamese would be more open to Christianity—and less opposed to Westerners—if its missionaries were Vietnamese instead of European. To spread the word of God, however, required capital and de Rhodes lobbied for financial support with wondrous stories

¹ Stanley Karnow, *Vietnam: A History*. (New York: Penguin Books, 1983), 57.

² *Ibid.*, 58.

of limitless bounty. The opportunity to spread Christianity while getting rich along the way was too good to pass up.⁴ To counteract wavering success in each of these endeavors and the general mood of xenophobia, French missionaries often allied with local governments. Like the promise for commercial and spiritual riches, the urge to meddle in governmental affairs proved irresistible. French interest and determination in Vietnam had officially commenced.⁵

French rule in Indochina was consolidated in 1898, the same year the United States consolidated rule in the Philippines. With the Dutch in the East Indies, the British in Burma, India, and Hong Kong (among other Asian locations), and the United States in the Philippines and Hawaii, imperialism--the mass colonization of territories--was well under way. These and other colonies, with their abundant natural resources, fell victim to a universal manifest destiny: they had become the white man's burden. There were few, if any, serious revolutions in defense of self-determination, for "prestige still gave authority its potency."⁶ This prestige irrevocably eroded as the world (including Southeast Asia) witnessed the success of Japanese aggression against the

³ Ibid., 43, 672.

⁴ Ibid., 60-1.

⁵ Ibid., 57-61.

previously uncontested power of white imperialists in the mid 1930s and early 1940s. At first shocked, then acquiescent, and eventually approving of their Asian brethren, the indigenous peoples of Southeast Asia learned that there was an alternative to foreign rule and the accompanying oppression.⁷ Nationalism, which had swept across developing countries in Europe for the previous one hundred years, had come to the Far East. Insurrections were not easily put down as the imperialists returned to their colonies following the Second World War. The foreboding post war reconstruction at home made the pursuit and maintenance of imperialism impossible. By 1949, the British and the Dutch had left the "savages" to fend for themselves.

The French, however, persisted. The restored government, once again in Paris, was understandably desperate to restore the grandeur of France. France was the only Allied power that had fallen to Nazi invasion and occupation. Propped up by the other victorious powers, the proud French sought to reassert themselves in the international arena. Reclaiming their overseas possessions was a logical first step.⁸ France was in no military or economic position, however, to quell the nationalist uprising in Vietnam.

⁹ James Cable, *The Geneva Conference of 1954 on Indochina*. (New York: St. Martin's Press, 1986), 7.

⁷ Ibid., 8.

⁸ Ibid., 9.

The US, the Western world's sole economic and military superpower, intervened on behalf of the French when it was learned that communism was fueling the nationalist fire in Vietnam. Ironically, the US had initially opposed the resumption of French authority in Vietnam.⁹ The emergence of the Cold War, however, pressured the new American superpower to uphold certain values and expectations—namely the containment of communism. Conservatives criticized President Truman for being “soft” on communism. To silence these accusations and to counter the threat of Soviet encroachment on Europe, the president initiated the Truman Doctrine—the commitment to “support free peoples who are resisting subjugation by armed minorities or by outside pressures.”¹⁰ Additionally, Truman oversaw the establishment of the Marshall Plan, the Central Intelligence Agency, and the North Atlantic Treaty Organization, or NATO. The latter, established in 1949, represented a commitment to unite Western and Central Europe against Eastern Europe and the Soviet Union and went so far as to rearm West Germany just five years after the Second World War.¹¹ To secure French support, Truman promised \$15 million to help finance their struggle (to retain

⁹ Karnow, 136-7.

¹⁰ Michael M. Boll, *National Security Planning: Roosevelt through Reagan*, (Lexington (KT): University Press of Kentucky, 1988), 54.

¹¹ *Ibid.*, 59.

control) in Vietnam. By 1953, the US was funding almost half of the French war effort in Vietnam—roughly \$3 billion.¹²

The first clash between the French and Vietnamese had occurred outside Hanoi in December of 1873. The last clash between these two historic opponents would be at Dienbienphu between March and May of 1954. The US would pick up the slack and continue fighting the Communists in Vietnam for another twenty years. (American involvement in Vietnam dates back even farther. The first American casualty in Vietnam, an OSS agent named Peter Dewey, occurred in Saigon in 1945.)

When Mao Tse-tung wrested control of Mainland China in 1949, the more militant, hardline right in Congress accused President Truman and Democrats in the legislature of having “lost” China to communism. Subsequent Democratic leaders were guilty by association and constantly questioned about their loyalty in the once-again popular national pastime: containing communism. For much of the Cold War, the faith vested in the Domino Theory—that is, if one nation falls to communism, neighboring nations will fall like dominoes until the entire region or continent has succumbed to communism—was strong enough that no Democrat dared eschew it; disregarding the theory showed an indifference to

¹² Harry G. Summers, *Historical Atlas of the Vietnam War*, (New York: St. Martin’s Press, 1995), 10.

the demise of American prosperity and, worse, an apocalyptic World War Three. Thus, the fear of being “soft” on communism was a stigma all Cold Warriors sought to avoid. No Democrat or Republican was willing to let a nation fall to communism, no matter how insignificant or far from American shores. Cold War administrations fought communism or communist insurgency in Iran, Guatemala, Korea, Cuba, Cambodia, Vietnam, the Congo, the Dominican Republic, Chile, and Angola.

Kennedy had inherited the Indochina problem from his predecessor, Dwight Eisenhower (American involvement in Indochina, however, goes back even further). In the spring of 1954, as Dienbienphu fell and the talks at Geneva began, the French pleaded for American assistance. Despite a split Joint Chiefs of Staff, President Eisenhower, the former Supreme Allied Commander and current disciple of containment, considered intervening. Providing aid, Ike insisted, required one essential condition: the effort to save Vietnam had to be a multi-national one; “without allies and associates, the leader is just an adventurer, like Genghis Khan.”¹³ Ike’s closest aide, Sherman Adams, attested to his friend’s adamancy in sharing the burden, “having avoided one war with Red China the year before in Korea, when he

¹³ Karnow, 197.

[Eisenhower] had United Nations support, he was in no mood to provoke another one in Indochina....”¹⁴ Support would have to come primarily from Great Britain, the US’s most trusted ally. Both President Eisenhower and Secretary of State Dean Acheson conferred with British Prime Minister Winston Churchill and recalled the lessons of World War Two: the need to act early and united, before it was too late. The British, however, would not be so easily influenced by their American friends, especially not before learning of the resolutions of the Geneva Conference.¹⁵

The Geneva Conference of 1954 marked the first international effort to reconcile the conflicting interests in Vietnam. What had begun in January as a Big Four plan to discuss a lasting peace in a united and independent Korea, the emphasis soon shifted to peace in Indochina. It was assumed that peace and unity in Korea would encourage peace and unity in other parts of Asia. By May, the Geneva Conference would focus exclusively on Indochina. With the French defeat at Dienbienphu on the eve of the conference, the Indochina problem took center stage and the conference’s agenda was sealed.

Geneva is an international city in a historically neutral country. It only seems natural, therefore, that the organization that

¹⁴ Ibid., 198.

personifies internationalism and neutrality—the 11-year-old United Nations—would be an active participant in the conference. The UN's role, surprisingly, was quite limited. Despite the UN's stance on peace and impartiality, nearly all of the parties at the conference opposed the organization's involvement. The conference attendants were representatives from the United States, France, the People's Republic of China, the Soviet Union, Cambodia, Laos, and Vietnam. There was no distinction between North and South Vietnam at this time. The Vietminh, a communist faction of predominantly northern Vietnamese led by Ho Chi Minh, controlled the North. Bao Dai's imperial government, based in Saigon, represented the opposing Vietnamese interest. Together, both parties made up the Associated States of Vietnam. Among these conferees, Communist China, the USSR, and France opposed UN involvement. The Chinese, who had been denied admission into the UN in recognition of Nationalist China (in exile on Formosa, or today, Taiwan), bitterly regarded the world organization as a "tool of the imperialists."¹⁶ The Soviets opposed UN involvement because of their support of the Vietminh, who viewed UN involvement as intrusive and unwelcome. Although the Vietnamese and Chinese have a long history of aversion, their

¹⁵ Ibid. Aid would eventually come from the British, although primarily in the form of support for the Southeast Asia Treaty Organization (SEATO), established that same year.

shared communist ideals united them in Geneva: consequently, the Vietminh's wishes and sentiments regarding UN involvement were supported by Peking.¹⁷

At first glance, it is startling that France also opposed UN involvement, but France had its reasons. The UN advocated the trusteeship (read: eventual independence) of imperial colonies. Before Dienbienphu, France had no intention of surrendering her territorial possessions. France had no desire to empower its Vietnamese subjects and promote their self-determination. Because Dienbienphu represented the final straw that broke French efforts to reacquire absolute rule over Vietnam, France reprioritized and hoped just to maintain (economic) influence in Vietnam. This could be accomplished, they reasoned, by supporting the unification and neutralization of Vietnam.¹⁸

The United States was not so optimistic. The Eisenhower administration (and following administrations, including Kennedy's and Johnson's) concluded neutralization would invite, and even encourage, the communist overthrow of Bao Dai's government. The French willingness to cut its losses in Vietnam

¹⁶ U Thant, U, *View From the UN*, (Garden City (NY): Doubleday, 1977), 71.

¹⁷ Ibid., 57.

¹⁸ Lyndon Baines Johnson, *The Vantage Point: Perspectives of the Presidency, 1963-1969*, (New York: Holt, Reinhart and Winston, 1971), 63. The term "neutralization" implied international support for Vietnam's neutrality and independence. The French believed this altruistic concept would adhere in Vietnam and the democratic government to remain in France's sphere of influence.

was unpalatable to the US; the security of Southeast Asia, US relations with the region's members (notably Thailand), and American prestige in Vietnam (in light of their funding the French war effort there) all precluded a political settlement in Vietnam. Essentially, the US was willing to go it alone in Vietnam if necessary. This fundamental difference between France and the US would affect future US efforts to internationalize the Vietnam problem as the French wielded the powerful veto in the Security Council.¹⁹ The Americans and British were ultimately ambivalent in regards to UN involvement. The US was interested in containing communism regardless of who supervised the conference. The American insistence upon containing communism at all costs would establish a trend that would eventually make future UN involvement impossible, as shall be seen. Although the US was not directly involved with hostilities in Indochina in 1954, it made extensive preparations for the Conference. In a top-secret memorandum issued 9 April, Charles P. Stelle, a member of the State Department's Policy Planning Staff, devised a formula for a preferable settlement in Indochina. The formula consisted of the disarmament of Vietminh forces and a cessation of all Chinese Communist assistance to the Vietminh forces. As for a long-term

¹⁹ Ibid. See also United States, *Foreign Relations of the United States, 1952-1954, Vol. XVI: The Geneva Conference*. (Washington (D.C.): United States Government Printing

goal. Stelle suggested the UN's involvement in Indochina in the form of a "Peace Commission." to "assist in the establishment of peace and order in the Associated States [Vietnam, Laos, and Cambodia] and to grant to this Commission all facilities, privileges, freedom of movement and assistance which the Commission may deem necessary...." ²⁰ "Peace and order," Stelle concluded, would come by way of a cessation of hostilities and the holding of free elections in the three states, to be supervised by an Electoral Commission. ²¹

The State Department was clearly committed to the UN's involvement in Southeast Asia—but on specific terms. Secretary of State John Foster Dulles voiced these terms both in public and in private meetings with the UN's second Secretary General, Dag Hammarskjöld. In a 2 June 1954 meeting with Hammarskjöld, Dulles confided that, "'success' at Geneva seemed to me to involve something more than merely getting an agreement but involved getting the right kind of agreement." The "right kind of agreement" included the UN's involvement: "one of [the] preconditions to any contingent US action would be some participation in [the Southeast Asian] area by [the] UN." ²²

Office, 1981), 645-6.

²⁰ Ibid., 507.

²¹ Ibid.

²² Ibid., 1012.

The British seemed natural to fill the UN's role as mediator. They were interested in a diplomatic resolution, but for obvious reasons. Her two main allies, the US and France, were heavily involved in Vietnam at a time when Britain was not so interested in imperialism. The British, however, were quite fearful of Soviet aggression in Europe. The delegates from Cambodia and Laos attended primarily as observers with vested interests in the political condition—and the political future--of Southeast Asia. It is ironic, therefore, that the conference was held in the UN's enclave in Geneva, Switzerland, at the former compound of the League of Nations. In addition to the facilities, the Secretary General and UN interpreters were on hand to assist when and as needed. Despite this obvious UN influence, there was no more UN involvement.

On 21 July 1954, a thirteen-point declaration was signed calling for: an end to hostilities in Cambodia, Laos, and Vietnam; a prohibition of foreign troops, military personnel, arms, and military bases in Vietnam; a provisional military (note: not political or territorial) demarcation line at the 17th parallel; international recognition of the sovereignty and territorial integrity of Cambodia, Laos, and Vietnam, to be upheld by free elections in two years (July 1956); freedom to decide whether to live in the

northern or southern zone; freedom to align with the political party of one's choice without persecution; the gradual withdrawal of French troops from Cambodia, Laos, and Vietnam at their respective requests; and finally, a promise among the countries represented at the conference to consult with one another under the supervision of an International Control Council (consisting of Indian, Canadian, and Polish delegates) on issues that would ensure the cessation of hostilities in Indochina.²³

The conference attendees hardly agreed on all 13 points. France was relieved, China was ecstatic and, according to the British ambassador in Washington, Sir Roger Makins, the US was "distinctly sour."²⁴ The Eisenhower administration did not want a negotiated settlement.²⁵ Furthermore, it opposed general elections that would surely result in a communist victory due to a more densely populated north by roughly 2 million people.²⁶ The US and British delegates, John Foster Dulles and Anthony Eden respectively, had devised an independent, seven-point "wish list" to present to the other delegates. Not surprising, their proposal was unwelcome. In return, both the US and the Bao Dai government declined to sign the declaration.

²³ See Appendix C for the 1954 Geneva Accords.

²⁴ Cable, 127.

²⁵ Ibid.

²⁶ Summers, 68.

The US opposed the accords primarily in defense of national self-determination. As the US saw it, by withdrawing all forms of (Western) security, the government in Saigon was doomed. Communists would flood the Mekong River Delta and freedom would be the first casualty. Officially, the US would disagree with the Geneva Accords, stating “peoples are entitled to determine their own future and that it [the US] will not join in an arrangement which would hinder this.”²⁷ Although the commitment to free elections would allow the Vietnamese to decide between communism and democracy, the fact that these elections would not be held for two years defeated their purpose. Nonetheless, the US vowed to honor and respect the accords.

In hindsight, the Geneva Conference of 1954 amounted to little more than a noble waste of time and energy. Hostilities ceased for approximately three weeks and general elections were never held. Because the nations involved in hostilities did not agree with the accords, they looked for loopholes, exploited them and resumed fighting. Any possibility of international enforcement of the accords was negated. The UN’s absence at Geneva essentially guaranteed its absence from a solution in Indochina. The advent of the ICC represented a “next best thing”

²⁷ <http://www.explorevietnam.com/history/geneva.html>

for all parties who opposed UN involvement. Like the UN, the ICC symbolized internationalism and impartiality but, like the League of Nations, it was defenseless and all but ignored.

Still, the US cautiously promoted the inclusion of the international organization it helped create. In its decision not to sign the Geneva Accords, the US declared, “we shall continue to seek to achieve unity through free elections supervised by the United Nations to insure that they are conducted fairly.”²⁸ At a news conference on 23 July 1954, Dulles publicly commented on the Geneva conclusions and revealed American plans for Southeast Asia. This time, Dulles made no mention of the UN as a part of the solution. Although he confessed that the conference concluded with “many features which we do not like,” it was in recognition of the UN Charter that the US would honor the results and not attempt to upset the mending process.²⁹ Dulles shared two valuable lessons learned from Geneva: resistance to communism needs popular support and a hard line approach to collective security was required to defend Southeast Asia from the spread of communist aggression and subversion. The irony of this lesson “learned” in 1954 is obvious—the US would soon spend enormous

²⁸ Neil Sheehan, *The Secret Diplomacy of the Vietnam War: The Negotiating Volumes of the Pentagon Papers*. (Austin: University of Texas Press, 1983), 52-3. Again, for full text of the Accords, see Appendix C.

²⁹ United States, 1012.

energy on propping up a regime that was unpopular in the midst of a growing attraction to communism.

Could the UN be utilized in making collective security in Southeast Asia a reality? Dulles suggested this could not be an option because “the United States for over a year advocated united action in the area, but this proved not to be practical under the conditions which existed.”³⁰ Although Dulles did not elaborate on the “conditions,” one can only imagine the Russian veto in the Security Council was one such unpractical condition. Any “united action” in Southeast Asia would surely be brought before the Security Council and summarily vetoed by the Soviets. As a result, the US would devise an alternative to “united action”: an increasing American presence in Vietnam in violation of the accords.

In 1954, the UN was less than 10 years old and still feeling its way around or, as Franklin Roosevelt coined, “the child [was beginning] to toddle.”³¹ By 1954, however, it had already been used as a weapon. The US took advantage of a Soviet boycott in the Security Council in 1951 to commit UN troops to the war in Korea—the first battle of the Cold War. This was a mistake the Soviets would make only once. The fate of the UN, therefore, was

³⁰ Ibid., 1551.

sealed before the Geneva Conference. If the UN was excluded from the solution in 1954, any hope of future inclusion would be a miracle. With the UN locked out, the downward spiral in Vietnam would only get steeper.

In recognition of the frailty and vulnerability of the Geneva accords, Dulles forged the South East Asian Treaty Organization (SEATO) in September. SEATO's establishment marked the second multinational effort to end the war in Vietnam. This regional alliance, like NATO, consisted of several parties with a common interest—security in a region susceptible to communist encroachment. SEATO members included Australia, France, Great Britain, New Zealand, Pakistan, the Philippines, Thailand, and the US. Like Article X in the League of Nations Charter, SEATO's Article IV stated that aggression against one SEATO member meant aggression against all members. And like Article 51 in the United Nations Charter, member nations would “act to meet the common danger” of said aggression, but only at the invitation of the aggrieved nation.³² Given the fact that less than half of the SEATO members were actually located in Southeast Asia, it is clear that security in Southeast Asia had larger

³¹ Franklin D. Roosevelt, *Roosevelt and Churchill*, edited by Francis L. Lowenheim, Harold D. Langley and Manfred Jonas, (New York: Saturday Review Press, 1975), 579.

³² Johnson, 48.

implications: the domino theory influenced security planning far beyond the region.

Although SEATO had no standing troops, it relied on the regular forces of its member nations, and to keep the troops sharp the organization sponsored joint maneuvers annually. SEATO members strongly considered sending troops into Vietnam as early as 1961. On 11 October, McGeorge Bundy, Special Assistant to the President for National Security Affairs, received a top-secret report from the State Department's Vietnam Task Force addressing the use of SEATO troops in Vietnam. The concept for SEATO involvement, "under a UN umbrella if possible," would be "in an effort to arrest and hopefully to reverse the deteriorating situation in that country."³³ The use of SEATO troops was intended to complement a UN peacekeeping mission. Further in the report, however, the use of SEATO troops was considered as a supplement for UN forces. This is evident in the anticipated UN reaction to, and the necessary US justification of, SEATO troop deployment in Vietnam. In the same report to Bundy, the State Department's Task Force clarified:

If SEATO action in Viet-Nam is decided upon, we must make the assumption in our contingency planning that inevitably the Viet-Nam case will be brought to the UN by a third party. We would be in a better position politically if...we took the initiative by

³³ United States, *Foreign Relations of the United States, 1961-63, Vol. I: Vietnam, 1961*. (Washington (D.C.): United States Government Printing Office, 1988), 340.

coupling a move to SEATO with a move to the SC [Security Council]. Our objective would be to get the UN to send a small group of observers. We would adopt the public posture in the SC that SEATO need stay in South Viet-Nam only and until such time as the UN could deter effectively further infiltrations and help maintain the independence of South Viet-Nam. As in the previous contingency, recourse to the General Assembly would probably prove necessary.³⁴

SEATO-sanctioned troops, however, were never deployed.

One can only suspect the reason for this inaction was a consensus among members that deployment would signify escalation and provoke a larger Soviet and/or Chinese intervention into the troubled region. SEATO's aim, therefore, was clear amongst ally and enemy alike: to support the US presence in Vietnam. Even so, France and Pakistan continually withheld support for troop deployment and, due to the organization's unanimity rule, SEATO became stagnant. By 1973, the alliance began to crumble and by 1977 was officially disbanded. Later in the war, President Johnson would employ forces from some SEATO countries as members of the Free World Military Forces (to be addressed later and in more detail). Unlike NATO but sadly like the League of Nations and the Geneva Accords, SEATO quickly became a paper tiger—good intentions and strong in theory, but ultimately powerless to enforce its will. Why? SEATO's members had their own divergent priorities. These priorities often contradicted one another and

³⁴ Ibid., 342.

hindered the organization's productivity. SEATO members—both governments and their delegations—recognized the futility of their alliance yet were unable to change it.

When John F. Kennedy met with Dwight Eisenhower to assume the presidential reins, they spoke extensively of Indochina—but specifically of Laos, not Vietnam. The lame duck president considered Laos to be “the key to the entire area” and suspected that introduction of American troops was only a matter of time. Kennedy listened intently. Foreign policy was not his strong suit and he wanted to make sure his actions were correct and well thought out. Nonetheless, despite Ike's warnings, Kennedy shifted his focus toward Vietnam. As a Massachusetts senator, he had supported funding the French effort in Vietnam and propping up the Diem regime. Additionally, he concluded that he could repel communism there at little cost. When the Geneva Convention reconvened in 1962, Kennedy supported a neutral and independent Laos, but was not yet ready to let go of Vietnam. Former journalist and respected Vietnam historian Stanley Karnow states that the young president balked at supporting Vietnamese neutrality and independence with the faith he would soon send troops there.³⁵ Whereas the terrain in Laos was so mountainous

³⁵ Karnow, 248.

that defending it would provide a strategic and logistical nightmare. South Vietnam could be more easily defended: it boasted plenty of coastal access, beachheads, harbors, room for bases and airstrips and more. With Kennedy's rocky start in foreign policy (namely the Bay of Pigs debacle and the Vienna summit meeting with Khrushchev), the young president saw in South Vietnam an opportunity to exercise American power and influence abroad.³⁶

Containing communism was a noble goal in 1962. American national security policy, largely defined by George Kennan and Dean Acheson, evolved to the point that only containment would ensure American survival in the postwar world. Policy planners advocated complete American investment of resources into the containment strategy. Containment became more than a strategy or policy; it defined American postwar mentality. As a result, it is easy to understand why the US invested more and more energy in Vietnam. International communism and its encroachment on volatile nations, coupled with the fear of the "soft on communism" stigma at home, only spurred presidents to commit more time, troops, and money to defend South Vietnam.

³⁶ Ibid., 247-8.

In the beginning, the UN had had little exposure to Vietnam: both the organization and the conflict were quietly developing. The primary issue for the UN regarding Vietnam was membership: one Vietnam or two? Because of the competing superpowers, the General Assembly decided in 1955 to postpone further consideration of applications for membership from divided states.³⁷ Further, if the UN was to accept two different states (i.e. North and South Korea and North and South Vietnam) as individual states, the goal of eventual unification would not be recognized. Both superpowers wanted unification for obvious reasons: regional security, expanding their respective spheres of influence, and bragging rights in their war of ideology and propaganda. It seemed, however, that unification would come with a heavy price: military escalation and the commitment to war.

Otherwise, ensuing discussions in the UN concerning Vietnam were little more than subtle brow beatings by the Soviet Union and its satellite governments, each condemning “certain powers” and their aggression on independent states. The typical UN reaction to such complaints was acquiescence, a nod of the head and nothing more. An example is the General Assembly’s “Declaration on the Granting of Independence to Colonial

³⁷ United Nations, *Yearbook of the United Nations*, 1956. (New York: Columbia

Countries and Peoples.” The document was neutral and unbiased, but the message was clear: the UN recognized aggression (in several regions) and was opposed to it, regardless of who was responsible and why they were aggressing.

While most nations acknowledged the declaration as symbolic and timely, the superpowers seemed to dismiss it. In fact, the superpowers all but ignored the formalities and rhetoric of this and similar declarations and complaints because they were voiced by an organization they had by and large created themselves. This was tantamount to a child criticizing mom and dad’s parenting skills. The superpowers were not concerned what other, uninvolved nations had to say about their foreign policy decisions. Despite the democratic fundamentals of the UN where everyone had a voice and a vote, there was an unmistakably clear distinction between the haves and the have-nots, those who had power in the real world—outside the UN—and those whose power was confined to the UN. This same relationship existed within the UN. The Security Council and particularly the Permanent Members of the Security Council held more power than most other Members or organs in the world body. Despite the checks and balances and the separation of powers between the General

Assembly and the Security Council, this underlying fact dictates in large part how international peace and security is enforced and maintained throughout the world. Until this is modified, Permanent Members will always be above the law.

The first mention of hostilities in Vietnam occurred in a complaint by Laos to the Security Council in 1959 concerning the mobilization and ensuing hostilities of North Vietnamese troops within Laotian borders. The Security Council established a sub-committee to investigate the charges. The sub-committee's findings set the standard for future UN involvement in Southeast Asia. It concluded that the fighting was of a "guerrilla character" and consequently neither deliberations nor further action was justified at the Security Council level.³⁸

Nonetheless, the UN option remained. The State Department still viewed the UN as a significant and symbolic body, which if present in Vietnam, could advance US aims there. In one instance, the State Department promoted the UN's involvement in Kennedy's counterinsurgency efforts. A presidential task force released its findings in "A Program for

³⁸ United Nations, *Yearbook of the United Nations, 1959*, (New York: Columbia University Press, 1960), 62-67.

³⁹ United States, *Foreign Relations of the United States, 1961-63, Vol. I: Vietnam, 1961*, 96, 101-2. It should be noted that the name "Viet-Nam" appears hyphenated in most printings (official documents or otherwise) prior to the 1970s. It is now, however, recognized as one word in contemporary printing. The author will therefore use the unhyphenated name when not quoting a pre-1970s document.

Action to Prevent Communist Domination of South Viet-Nam.”

The task force recommended a US request for UN forces to “help control the subversion and infiltration of South Viet-Nam by the Communists.” for “not only does the provision of United Nations Observers have intrinsic merit but in any event, United Nations consideration would have the value of focusing world opinion on Communist actions in Viet-Nam [underlined in original].”³⁹ The State Department established a precedent that it would return to time and time again: in any recommendation for UN involvement or intervention in Southeast Asia, the US announced to the world its commitment to a peaceful and political solution when it knew unequivocally that UN involvement was impossible as long as the Soviets could veto any unfriendly proposal in the Security Council. Therefore, it was already common knowledge by 1961 that any US interest in UN involvement was only lip service. In 1961, however, there was little cause for concern. American presence in Vietnam was limited to an advisory role. Furthermore, the American military had not yet been tested and it was ludicrous to imagine the US could not suppress Third World insurgents. The precedent the US policy planners had established in 1961, however, would come back to haunt them in the years to come.

This combination of American hubris and Cold War realism (manifested in the veto) set the stage for US-UN relations during the Vietnam War. The US embraced the fact that its influence in the UN could override any criticism for not using the organization. The UN, and especially the veto in the Security Council, would become a convenient scapegoat for policy planners to use in justifying their search for an alternative solution. One such alternative was to take the Vietnam issue to the larger General Assembly. Even in 1961, the State Department questioned the benefit of doing so:

Whether the required two-thirds majority could be mustered in the [General] Assembly will depend on a number of considerations including: whether direct military intervention is imminent; how good a public case we can make documenting Communist intervention from the outside; whether the prospect of a Communist takeover is immediate; and what the attitude is of key states in the area, and in particular India, Ceylon, Burma and Cambodia.

The thrust in the General Assembly will probably be a disinclination to have the UN intervene (the three main principals are non-UN members—Communist China, South and North Vietnam) in favor of an exhortation to the ICC to look into the problem and perhaps the calling of a conference....⁴⁰

These circumstances, mainly the ability to prove a Communist insurgency and a threat to South Vietnam's autonomy, and the fact that many of the parties involved were non-UN

⁴⁰ Ibid., 341-2.

members, would haunt the US throughout the war and prevent it from attaining a successful outcome to the war through the UN.

Undeterred, the US plodded onward. In November of 1961, following General Maxwell Taylor's visit to, and consequent report on, Vietnam, the State Department sought the advice of its Legal Advisor, Abram Chayes. He reported to Secretary Rusk that any legal issues (i.e. human rights violations or aggressing another nation as defined by the UN Charter) emanating from increased US involvement in Vietnam were not "incapable of being dealt with and surmounted."⁴¹ Chayes concluded, however, that the US should not go into Vietnam alone: "a more promising course of action would be to seek to internationalize the problem with a negotiated settlement or a United Nations settlement."⁴² Ultimately, the State Department should "seek to establish in the UN the facts of foreign intervention in Viet-Nam, and to enlist the United Nations' assistance in protecting the independence and integrity of Viet-Nam."⁴³ The involvement of legal counsel was an attempt to justify the American presence in Vietnam. As the US continued to paint itself into a corner, exhausting its military, political, and public relations resources, the argument for protecting South Vietnam became more adamant.

⁴¹ Ibid., 630.

On 21 February 1962, Senator Wayne Morse (D-Ore.) challenged the State Department in the Senate Foreign Relations Committee on UN involvement in Vietnam. There was growing concern that the State Department was not over-exerting itself in getting the UN involved. The State Department, in a written and confidential response to Morse's allegations, dashed any hopes of UN involvement: "the Administration has no present plans to bring the Viet-Nam situation before the United Nations Security Council or General Assembly for debate or action."⁴⁴ It is intriguing that Morse's public allegations were met with a confidential response. Having concluded that the UN would likely be unable to help the US in Vietnam, the administration dropped the issue but understood that the decision (to avoid UN involvement) would be unpopular.

The State Department released its "Final Report of the Vietnam Task Force" on 1 July 1962. The report provided the Department's official decision.

47. Develop plans for presentation of Viet-Nam case in UN.

Suspended:

⁴² Ibid., 631.

⁴³ Ibid.

⁴⁴ United States, *Foreign Relations of the United States, 1961-1963, vol. II, Vietnam: 1962*. (Washington (D.C.): United States Government Printing Office, 1990), 226.

After studying matter several times it was concluded that in present circumstances presentation to UN would result in more complications than gains. (*italics in original*)⁴⁵

By “present circumstances,” the State Department acknowledged the immensely unpopular regime in South Vietnam. The UN (in addition to several human rights advocates) had criticized the RVN’s despotic leader, Ngo Dinh Diem, for suppressing the Buddhist majority (Diem was a devout Catholic). The State Department recognized the complexity of their situation. Compelled to contain communism at the expense of propping up a corrupt and inept ruler, the US was committing itself to going into Vietnam alone and alienating the international court of public opinion in the process (evidence of international opposition is most noticeable in the UN and will be explored further in this thesis). Still, the US persisted.

Discussions of hostilities in Vietnam surfaced primarily in the General Assembly. Dozens of delegations discussed Vietnam on numerous occasions. For the General Assembly to act in Vietnam, it would have taken a 2/3rd majority vote—a decision most members wanted to avoid for fear of getting dragged into the Cold War and caught between the “quarreling superpowers.”⁴⁶ Since the onset of the Cold War, nearly every country in the UN

⁴⁵ Ibid., 492.

was forced to side with one of the superpowers. When security concerns arose, the siding nations were at the mercy of the obstinate, bickering superpowers. The superpowers approached most security matters not so much with the good of the people involved, but to slight the opposing power.

Tragically, the people of Vietnam were caught in the middle of this Cold War showdown. The plight of the Vietnamese mirrored that of millions of people represented in the UN. In fact, there were many similarities that Vietnam shared with a growing majority of UN Members nations. For example, Vietnam was one of dozens of European colonial possessions struggling for its own identity and eventually independence. Vietnam was not the only former colonial possession to suffer political turmoil amidst a power gap created by factions suddenly exposed to self-rule. And Vietnam, like several other UN Member nations, hosted an often-violent forum for communist rule. In addition, while many developing nations within the United Nations had seen communism targeting its working classes, Vietnam was similar to other countries in that communism targeted nationalists: its struggles were of a political rather than economic nature.

⁴⁶ Lincoln P. Bloomfield, *The U.N. and Vietnam*, (New York: Carnegie Endowment for International Peace, 1968), 11.

The fact that the UN was comprised of several nations that were familiar with the kinds of struggles Vietnam was facing was enough incentive for the international organization—spurred by its increasingly Third World membership—to intervene. It is clear, however, that the superpowers in the almighty Security Council would make any intervention decision a monumental struggle. The United States would address this reality in different ways during the Johnson administration.

Chapter 3

Lyndon Johnson

Of all the cast members in this Cold War drama, Lyndon Johnson is arguably its most colorful. Infamous for his extreme personalities and emotions, Johnson is also the most difficult player to understand. Johnson was like a bear: he could be playful and harmless, creative and diligent, yet also stubborn, raw, violent and terrifying. Among friends and associates who knew him and historians who studied him, Johnson was a man who desired to do everything for everybody and please everyone all of the time. Not surprisingly, he acquired a reputation as a master wheeler-dealer, hell bent on compromising in an effort to harmonize differences and achieve his goals. This method worked very well for Johnson: he perfected his craft during his successful career in the Senate. He utilized these tactics in the White House, too, most notably in an effort to get his Great Society dream realized. This reputation did not always work to Johnson's advantage. His supporters saw him as a paternal leader with the ability to provide for the masses. His focus made him a trailblazer in the legislative process. His critics saw him as unrefined, clandestine, and contradictory. If

schmoozing failed, Johnson would resort to bullying. If bullying failed, he would find another way. At best, he was unorthodox. Eager to please yet short tempered and capable of merciless tirades and tongue-lashings, Johnson's volatility was well known in Washington.

Even so, his successful career in politics suggested he would make an effective president. As biographer Paul Conkin sees it, Johnson knew politics and how things got accomplished inside the Capitol, whether on the Senate floor or in the backroom.¹ Arriving in Washington as a 23-year-old congressional secretary in 1931, Johnson remained in Washington another thirty-seven years, mastering government and politics. During that time, he represented his home state of Texas and served the United States in several capacities: Director (Texas branch) of Roosevelt's National Youth Administration (under the Works Progress Administration), Congressman in the House of Representatives, and US Senator—including stints as Senate whip, minority, and majority leader, before becoming Vice President and then the 36th President. Johnson was hard working and successful in each of these positions. Surprisingly, he was reluctant to run for the presidency in 1960. The reasons for his disinclination are

ambiguous and contradictory; the gregarious and charismatic Johnson loved the spotlight, had the personality to be a popular president, and yet resisted the opportunity to occupy center stage. John F. Kennedy in fact had to coax Johnson into joining the party's ticket as its Vice-Presidential candidate. It is no surprise, therefore, that Johnson carried with him the stigma of indecision.

If he did wish to be President, he certainly did not imagine his inauguration would take place on a Dallas tarmac in a crowded Air Force One, his suit wrinkled and his face worn, between his sullen wife, the new first lady, and a dazed Jackie Kennedy—a friend whose husband's death had not yet sunk in, unlike his blood on her pink suit. Fifteen days after Kennedy's assassination, Johnson was asked about his thoughts on spending his first night in the White House. Johnson responded, "I feel like I have already been here a year."² There was no denying that Johnson entered an office and administration wrought with shock and desperation instead of one filled with joy and hope.

Johnson never got out from Kennedy's shadow. The aura was simply inescapable. When studying Johnson's foreign policy (and his presidency in general), one must consider two different Lyndons: the interim president and the president elect. Johnson

¹ Paul K. Conkin, *Big Daddy From the Pedernales: Lyndon Baines Johnson*.

finished Kennedy's term the way he thought his predecessor would have—"steady on course."³ In fact, in the thirteen months remaining in Kennedy's term, Johnson vowed to fulfill every one of Kennedy's goals, including those in Southeast Asia.⁴ Johnson would go to the extent of asking--and convincing--most of Kennedy's appointees to remain and continue their service and not just for the remainder of Kennedy's term, but through his own presidency too. In his autobiography, *The Vantage Point*, Johnson's loyalty to Kennedy is evident; he dedicated his entire presidency to the memory of his fallen leader. Such fidelity is admirable; however, Johnson's bordered on blind faith.

Rightly or wrongly, I felt from the very first day in office that I had to carry on for President Kennedy. I considered myself the caretaker of both his people and his policies. I did what I believed he would have wanted me to do. I never wavered from that sense of responsibility, even after I was elected in my own right, up to my last day in office. I eventually developed my own programs and policies, but I never lost sight of the fact that I was the trustee and custodian of the Kennedy administration.⁵

Upon defeating Barry Goldwater in 1964, Johnson had the opportunity to make his own mark on the presidency; in fact, the time was ripe. He could select his own staff, influence policy, and ultimately enforce his will according to his beliefs and convictions.

(Boston: Twayne Publishers, 1986), 157.

² Johnson, 33.

³ Ibid., 43.

⁴ Ibid., 42.

⁵ Ibid., 19.

Given Johnson's age, upbringing, and experience, it is only natural to conclude he would rule the roost differently from Kennedy. Most of Johnson's decisions, however, and especially those regarding Vietnam, were predetermined.

As infamous as Kennedy's influence and track record in foreign affairs were, they were hardly responsible for Johnson's decision to "stay the course." Historians in fact argue that even Kennedy's foreign policy decisions were predetermined. Regardless, both presidents seldom acted alone: they were heavily dependent upon their advisers in all foreign policy matters. This is nothing of which to be ashamed. The presidential responsibilities in an increasingly complex world necessitated a corps of intelligent advisers. Two such confidants, Secretary of State Dean Rusk and Secretary of Defense Robert McNamara, were very influential in the Kennedy administration. Johnson asked them to stay aboard when he assumed the presidency in late November of 1963. These men and many of their colleagues became collectively and, in retrospect, infamously known as the "best and the brightest." The majority of these advisers, including Rusk and McNamara, believed in taking a hard line approach to international communism and communist insurgency in South Vietnam. As Johnson's closest advisers on Vietnam, he trusted and respected

their opinions. Due to the complexity of issues regarding South Vietnam and containment as a whole, Johnson could not help but be swayed by his advisers and their opinions. Beyond these influential cabinet members, Johnson received advice from National Security Advisers McGeorge Bundy and Walt Rostow, Assistant Secretary of State for Far Eastern Affairs (and McGeorge's brother) William Bundy, and under Secretary of State George Ball among others. These men were established, confident, and loyal. Their research on Vietnam, although misdirected and ultimately incorrect, was thorough and convincing. As a result, it was perhaps easier for Johnson to follow the policies and momentum already in place. Almost to the very end, Johnson's famed inner circle became more tightly knit and any advocates for a peaceful solution were shut out.

With expert help and advice from such intelligent and articulate people, Johnson must have believed he was doing the right thing in Vietnam. He assimilated the data these advisers presented and only made decisions once he was confident they were the right decisions. The fact that the majority of his advisers opposed disengagement, withdrawal, or negotiations only swayed his decisions more so.⁶ Sadly, the consuming fear of Chinese

⁶ Henry Kissinger, *Diplomacy*, (New York: Simon & Schuster, 1994), 657.

intervention led to multiple and inevitably conflicting objectives in the war effort, which in turn invalidated much of what the “best and the brightest” had advocated. Gloomy and foreboding data from various departments regarding American progress in the war was manipulated to instill optimism and hope. The smart and diligent Ivy Leaguers had the confidence to believe they could solve any problem with hard work; “the ol’ college try” fueled a “never say die” attitude. The desire to remain within the inner circle (as one of the select few to have the president’s attention) surely fed some egos and encouraged some rose-colored conclusions. So, with Johnson’s emphasis on maintaining Kennedy’s momentum and direction in Vietnam (as well as in all other aspects of both foreign and domestic policies), the best and brightest were led to believe their judgments were sound and, by “staying the course,” they were succeeding.

Unwittingly, Johnson had put a new spin on the domino theory: if he were to break from Kennedy’s Vietnam policy (no one is certain exactly what Kennedy’s long-term goals in Vietnam were), it would trigger a chain reaction of breaks from all of Kennedy’s policies. With so many untested policies, the Johnson administration would surely topple over, not unlike the failed rocket launches occurring at the same time in the superpowers’

race for space. Johnson vowed this would not happen on his watch and that he would “stay the course.” The “course,” or Kennedy’s policies, however, now provided an old solution to a brand new problem: the situation in Vietnam had changed drastically. Ngo Dinh Diem and his chief political adviser (and brother) Ngo Dinh Nhu had been deposed and murdered just three weeks before Kennedy’s assassination. Thus, Johnson faced an even more volatile South Vietnam in the wake of its first power vacuum in years. While South Vietnam’s military fractionalized and succumbed to infighting for power, the Viet Cong successfully stepped up its insurgency efforts in South Vietnam’s countryside. By 1964, both the military and political climate in Vietnam had considerably worsened. The Johnson administration’s decision, therefore, to bolster a government void of leadership, credibility, and focus with a military escalation resembled a square peg confronted with a round hole.

Johnson was never really sure what to do in Vietnam. In the five plus years of his Presidency, Johnson and his loyal advisers thoroughly explored, analyzed, and considered every point within the spectrum of foreign policy from hard line stoicism and provocative naval/air strikes in 1964 and 1965 to bombing halts, pleas for peace, secret negotiations, and de-escalation in

following years; virtually no stone was left unturned. It seemed as if the only options he would not consider were an invasion of North Vietnam, using nuclear weapons, or employing the UN. He considered annihilating North Vietnam, negotiating for peace, withdrawing, maintaining a military presence, escalating American presence with more men and aid, and declaring an emergency and drastically increasing men (i.e. introducing reserves) and aid.⁷ It is unclear whether the variety of strategies considered was Johnson's way of keeping his options open or symbolizing his total desperation.

It is not surprising that Johnson had little idea how to utilize the UN in Vietnam. He challenged his team to come up with ways to use the international organization, yet when he received their suggestions—and there were many—he ignored them. This seems to suggest that Johnson let his inner circle do all of the thinking and policy planning regarding Vietnam. Because they did not see any hope in or advantage to using the UN, Johnson seemed to make the same conclusion.

Like Roosevelt and so many presidents, Johnson was very concerned with both domestic and international public opinion. There were, however, some significant differences between

⁷ Johnson, 257-8.

Johnson and his peers. Johnson took big steps when he acted (after intense consultations with his advisers) and then evaluated public opinion. Roosevelt, on the other hand, monitored public opinion like a scientist monitors an experiment; he would make small, subtle steps all the while remaining wary of public reaction. Although Johnson would make the decisions and take responsibility for them, often he could not defend or justify these actions. Several of these decisions, in fact, seemed to contradict previous decisions or established policies and goals. As a result, it was only a matter of time before his constituents lost faith in his ability to lead. For example, Johnson supported a military escalation in the summer of 1965, but was concerned with the repercussions this would have in Hanoi and in the UN, where the US was ushering in a new Chief of Mission—Arthur Goldberg. Nonetheless, he answered Westmoreland's request for more troops: 13 battalions or 50,000 troops.⁸ That escalation inevitably instigated a reaction both from Hanoi and from the UN—reactions Johnson sought to avoid. Nearly every troop increase after 1965 also drew the ire of the American public—another reaction Johnson could not escape.

⁸ Ibid., 258, 260.

Johnson needed help. The hawks in the legislature, cabinet and Joint Chiefs of Staff pushed for military escalation: by flexing American might, the Vietcong could be repelled and the North Vietnamese could be dissuaded from antagonizing the volatile South. But privately, Johnson preferred peace to war. Thus, he was stuck. If he negotiated for peace, he would avoid escalation but would draw the ire of many (both within and outside of his administration) and would appear soft on communism. He opted to follow the actions of his predecessors and the advice of his aides by taking a hard line approach to containing communism. Even so, Johnson was never closed to the idea of negotiating for peace. His lack of experience with and his insecurities in foreign policy, however, often motivated him to muffle or mask his views. The fact that his advisers were opposed to negotiating (because they argued it was fruitless and would only jeopardize American prestige) reassured him that negotiations were imprudent and/or premature. In keeping in step with Cold War philosophy and ideologies, Johnson was persuaded that negotiations signified conciliation and conciliation was tantamount to failure, or worse, the fall of an American empire.

The administration perceived the offer to negotiate as an offer extended from a position of weakness. In addition, it was

likely that neutralization would become the only attainable goal. Neutralization was inconceivable: the geopolitical repercussions were too costly. By allowing the two Vietnams to remain autonomous, the administration feared (and rightly so) that a communist takeover of South Vietnam, whether it was achieved through democratic or military means, would be almost instantaneous. The fact that a stable government was nonexistent in South Vietnam instilled little hope in its survival. And so again, a negotiated settlement would signify failure and worse: the revelation that the US was unable to contain communism. The floodgates would be thrust open, allowing insurgency to erode democratic governments all over the world. The Johnson administration had no choice: it could not give up.

Johnson reveals in *The Vantage Point* what went into his decision making process, particularly in regards to Vietnam:

There was more to it than listening to arguments and dissents, the explanations and justifications of my wisest advisers in an out of government. When a President faces a decision involving war or peace, he draws back and thinks of the past and of the future in the widest possible terms. On his sworn oath, a President pledges he will protect the nation. The security of the whole country is the foremost responsibility of the Chief Executive. The most important question I had to face was: How will the decision we make in Vietnam or elsewhere affect the security and the future of our nation? A President searches his mind and his heart for the answers, so that when he decides on a course of action it is in the

long-range best interests of the country, its people, and its security. That is what I did....⁹

"I tried to think through what would happen to our nation and to the world if we did not act with courage and stamina—if we let South Vietnam fall to Hanoi." ¹⁰ No decision, when lives and prosperity are at stake, is easy. But the decisions made in Vietnam, especially those regarding the use of the UN, seemed ultimately to contradict one another. They also seemed to ignore a real alternative: negotiation, especially one involving the United Nations. If the US was truly interested in "saving face," UN involvement could have helped. The US could have taken the high road and reiterated its desire for peace. An international audience might have approved the US efforts toward peace. International pressure for North Vietnam, the Soviets, the French and the Chinese to cooperate could have mounted to the extent where any opposition—especially in the form of a Security Council veto—was unacceptable. With outrage in the UN, international pressure could have forced the Security Council to put aside Cold War politics and focus on finding a peaceful solution.

So why was a UN option not more diligently pursued? On a related note, what were Johnson's attitudes towards the UN? This is difficult to determine. Where, for example, did Johnson's

⁹ Ibid., 151.

views end and the administration's begin? The president's views were a product of his beliefs, but also of Rusk's, McNamara's, Bundy's, Taylor's and more. Johnson was surely capable of independent thought, but with so much consultation coming from so many different perspectives and departments, it is extremely difficult to gauge the value he put on the UN. No doubt he held the UN in high regard (his respect for and extensive efforts to befriend Secretary-General U Thant are noteworthy and will be explored later in this paper), but the evidence reveals an attitude of ambivalence towards the organization. The Johnson administration took the UN out of the game early on and relegated the once proud world body to a sideline role of a concerned but helpless bystander.

Johnson was surrounded by advisers who saw military escalation as the only viable solution for Vietnam. Had Johnson been surrounded by doves (bureaucrats who opposed military escalation), the administration would have managed the war in Vietnam quite differently. The noted doves in the Johnson administration who had the President's attention, that is, members of the Inner Circle, were Under Secretary of State George Ball and Assistant Secretary of State for Far Eastern Affairs, William

¹⁰ Ibid.

Bundy. On the perimeter of the Inner Circle—those who had slightly less frequent access to the President—lay a few more doves, most notably US Ambassadors to the UN Adlai Stevenson and Arthur J. Goldberg and Senate Majority Leader Mike Mansfield (D-ND) and Senator Wayne Morse (D-OR).¹¹ Because their views were unpopular, these men were all but ignored during the war.

On the other hand, Johnson's decisions to opt for military escalation (over a peaceful settlement) were reinforced by the company he kept. Several of his advisers met both collectively and individually with Johnson throughout his presidency to discuss how to manage the war. In the Cabinet, he had McNamara, Rusk, and William Bundy's brother McGeorge Bundy.¹² Mac Bundy's replacement, Walt Rostow, would also be a strong and influential advocate of military escalation. Of the "Wise Men," the unofficial advisers whose opinions Johnson valued, Clark Clifford, who replaced McNamara as Secretary of Defense in 1968, Abe Fortas, a future Supreme Court justice, and Henry Cabot Lodge, the former US Ambassador to South Vietnam (a position he held twice in his

¹¹ Senator Morse, aka the "Typhoid Mary of Capitol Hill," and Senator Earnest Gruening (D-AK) were the only two senators who voted in opposition to the Tonkin Gulf Resolution.

¹² As National Security Adviser under Kennedy and Johnson, "Mac" Bundy eventually turned against American conduct of the war and ultimately resigned

career) had frequent access to the President. All these men were convinced—at least early on—that defending South Vietnam was vital to American foreign policy and national security. As a result, they lobbied the President to wage war in Vietnam. When the subject of a peaceful settlement—either through withdrawal or negotiations—was discussed, these men tended to argue that the timing was not right, such action would jeopardize the already vulnerable government in Saigon, and American power and prestige, both at home and abroad, would be sacrificed. Thus advocates for a military solution simply outnumbered their opponents: Johnson could not help but follow the hawks. The master wheeler-dealer did not even appear concerned about going to war. He promised the Joint Chiefs of Staff on Christmas Eve in 1963: “just let me get elected, and then you can have your war.”¹³

It seemed apparent that, if there was to be any negotiating, it would be done in secret, outside the UN. There were many clandestine attempts to bring the DRV to the negotiating table. Although some of these efforts were multi-national (for example, Canada’s role in the Seaborn mission), none of them involved the UN. Coincidentally, the UN—via its Secretary-General U Thant—engaged in its own secret attempts to get North Vietnam to

in 1966. He would, however, remain in the privileged inner circle as one of

negotiate (to be studied in greater detail). These efforts are thoroughly studied in *The Secret Diplomacy of the Vietnam War: The Negotiating Volumes of the Pentagon Papers*, edited by George C. Herring. Johnson's temporary bombing halt, codenamed Project Mayflower and ordered Christmas Day in 1965 (and again in September of 1967 and in March of 1968), was such an effort. A bombing halt had been seriously considered as early as February of 1965. The fact that it took place 10 months after discussions had commenced is testament not only to its significance but also to the concern that it be properly interpreted and received. Johnson had advocated peace at this time primarily to silence both his domestic and international critics.¹⁴ On 25 March he shared with Americans that he was "ready to go anywhere at any time, and meet with anyone whenever there is a promise of progress toward an honorable peace."¹⁵ Secretly, Johnson was more ambivalent, or perhaps impatient. In a 10 May message to the US Ambassador in South Vietnam, retired Army General Maxwell Taylor, Johnson explained his strategy, "my purpose in this [bombing halt] plan is to begin to clear a path either toward restoration of peace or toward increased military action.

Johnson's "Wise Men."

¹³ Karnow, 326.

¹⁴ Herring, 46.

¹⁵ Ibid., 45-6.

depending upon the reaction of the Communists. We have aptly demonstrated our determination and our commitment in the last two months, and I now wish to gain some flexibility.”¹⁶ These efforts would prompt the North Vietnamese to the conference table, but not until 1970.

Did Johnson ever consider UN involvement as a solution to the war? Because of Johnson’s dependence on his hawkish advisers, it is clear that he did not argue too vociferously for UN involvement. The Cold War bred an “at all costs” mentality. When legislators or other bureaucrats questioned Johnson about using the UN as an alternative to waging war, his response was polite but pessimistic. He wanted to use the UN but only in a manner that would explain or justify his military actions in Southeast Asia. The general conclusion that a UN approach would be sure to draw a veto and embarrass the US was a convenient excuse for military escalation.

On occasion, Johnson’s true feelings regarding the war and potential UN involvement emerged. He was growing tired of

¹⁶ Ibid., 54. The contradictory strategy of waging war and promoting peace in Vietnam is well documented. Historians argue whether or not the two strategies together suggest a lack of focus or defined objective in Vietnam (not to mention the added goals of nation-building and counterinsurgency among others), therefore, a venture doomed to fail from the outset. There are too many historical works to suggest for elaboration or further information, however, one of the best remains Harry G. Summers, Jr., *On Strategy: A Critical Analysis of the Vietnam War*.

stalemate. When pushed about the UN option, he would sometimes snap; “I’m tired of words. I’ve been giving words for 20 months. I told the UN in San Francisco [at the 20th anniversary of the Charter signing] that I would back any effort by the UN to bring this [the war] to the conference table.”¹⁷ Johnson’s calls for UN involvement were infrequent at best. He simply did not believe the UN could help. More importantly he—and in all fairness, his administration—did not believe the UN could advance American foreign policy objectives. There is little evidence of any discussion (especially discussions generated by the President) involving the UN as a possible path to peace through intervention or mediation or both. The irony is wrenching: Johnson prided himself as a man of peace and sought harmony and hope for the underprivileged. The UN embodied these goals: yet Johnson was so insecure in his foreign policies that he let his subordinates manage the war instead of intervening on behalf of peace. Although Johnson sought peace in Vietnam, he neglected and ignored the one organization that had the machinery to achieve peace. Johnson believed he could not compromise a Cold War national security policy that made prestige and power imperative and supreme. He sought help and advice from countless people.

¹⁷ Ibid., 252.

but most reinforced the need to maintain an international reputation of strength and determination.

Johnson's faith in a possible UN solution was tested throughout his presidency due in large part to his strained relationship with UN Secretary-General U Thant. Thant's efforts to find a peaceful solution to the war in Vietnam are well known and will be explored in this paper. His frustrations with the diplomatic stalemate were also well known and the source of some very ill feelings between the Johnson administration (particularly Secretary of State Rusk) and the UN. Johnson was committed to earning and maintaining Thant's support throughout the war. When he could not procure Thant's support, Johnson focused on winning his friendship. In the subsequent years of their relationship, Thant would gain a unique perspective of Johnson:

In retrospect I found President Johnson one of the warmest, most informal, and congenial men to talk to—so long as you did not take up international affairs. I felt that he had a liking for me. During many of his visits to New York, he would phone me from a hotel, after his official function was over, to tell me that he was on his way to the UN to see me! The UN security people had less than ten minutes to make arrangements for his arrival and his flight to the thirty-eighth floor. I do not remember having met any head of state or head of government so informal and so warm toward me, and at the same time so juvenile in his concept of international developments. He once told me that if South Vietnam were to fall to the communists, then the next target would be Hawaii!¹⁸

¹⁸ Thant, 59-60.

Johnson's specific views of the UN and exactly how it could be used in Vietnam were ambiguous. One role Johnson conjured up for the UN in Vietnam once the role of peacemaker fizzled, was the role of New Dealers. Johnson proposed using the UN in a technical role to begin the Mekong River Valley Development Project, a multi-billion dollar public works project that Johnson hoped would bring economic growth to South Vietnam and quell the VC's insurgency. He introduced his plan, which included unconditional negotiations, at Johns Hopkins University in April of 1965. The plan to bring food, water, and power to South Vietnam would not only empower the South Vietnamese and its economy, it would also get the UN into Vietnam. Johnson reasoned that the UN's presence in the region would discourage communist aggression in the South and also show the world a benign US, interested solely in peace.¹⁹ This plan was attractive and could have helped an ailing economy. But North Vietnam had no interest in curbing its aggression or bringing economic progress to the Mekong Delta; the plan died soon after it was presented.

The UN never completely disappeared from policy planning during the Vietnam War, but usually as a gesture of

¹⁹ Lyndon B. Johnson, *Lyndon B. Johnson's Vietnam Papers: A Documentary*

American good will. Hope that the organization could achieve peace was always short lived. The utility of the UN as a solution in Vietnam experienced a shift from a realistic option to a figurative and symbolic one. If the UN was a symbol of peace, it had become a mirage during the Cold War. The hopelessness of UN involvement led Johnson and his aides to consider the UN as nothing more than an arena to justify American actions and to advertise its wish for a peaceful settlement.

Why exactly was UN involvement prohibited? The US had sought and received UN support in the form of peacekeeping forces in the Korean War and during the crisis in the Congo—both showdowns ensconced in the Cold War period. The fact that the Security Council was able to pass—that is, the five Permanent Members were able to agree unanimously—a resolution to commit ground troops in these and other trouble spots is no small feat. The decision to send ground troops is the most difficult kind of resolution to pass because there is no higher degree of commitment. If five nations (eleven in all if one considers the entire Security Council and the necessary majority votes needed to pass a resolution) reach the decision to commit ground troops, their desire for peace is paramount. In Korea, the Congo, and several

other countries, insurgency fueled by Cold War principles threatened the autonomy of an existing government. Why was Vietnam any different? A closer look at these conflicts will shed some light upon this perplexing question.

Chapter 4

U Thant

At this point, if neither the US nor the Soviet Union took diplomatic action in the UN regarding Vietnam, it is safe to assume the issue would cease to exist. This was not the case. The most prestigious and public figure at the UN, Secretary General U Thant, could not ignore the hostilities. Thant was a unique person in a very unique position during a unique period of time. A native of Burma, Thant was the first non-European to hold the position of Secretary General. He began his tenure under tragic circumstances—following the death of his predecessor Dag Hammarskjöld, a popular and effective leader. From 1961 until his resignation in 1971, Thant fought to keep the UN at the forefront of international relations. Both he and the world organization were central figures in the Cuban Missile Crisis, the crisis in the Congo, and the Arab-Israeli War. Not since his 10 years of service has the UN enjoyed such a well-liked and respected leader.

Thant, too, believed his position was unique. He represented a “new UN,” a growing, developing, and expanding heterogeneous organization whose interests were more personal

and less emblematic of any Cold War ideological battle. Thant was a humanist, not a politician. Therefore, he saw a much more significant and dangerous problem in the world: "...the division of the world into the rich and poor, the master race and the abject poor, is much more important, much more fundamental and in the long run much more explosive than the division of the world based on differing political ideologies."¹ Thant was well qualified to make this argument. His native country was not considered fit for UN membership in 1945. When the UN Charter was drafted in San Francisco that year, Burma was approaching its 100th year as a British colony. It was the UN and its policies towards national self-determination paved the way for Burma's independence and membership in the UN (see Chapter XII—International Trusteeship System of the UN Charter in Appendix A). As a result, Thant was the product of colonial subjugation. He experienced first hand the servitude and racism that accompanied imperialism. Like Burma, Vietnam, whether North or South, struggled for post-colonial legitimacy. Thant viewed this as a classic struggle:

In the relations between the newly independent countries and the rest of the world, two main factors clearly emerge: the elemental desire for independence and the desperate need for outside help. After the departure of the colonial authority, something must take

¹ Thant, 38.

its place—an authority that is not only capable of assuring order, but of maintaining and strengthening independence. Freedom is not enough.²

Thant was not alone in his sympathy for countries like Burma and Vietnam. The General Assembly was beginning to swell with new members who had fought similar battles for independence. The responsibilities of the Secretary General were inevitably forced to adapt. As Thant saw it, his role became even more important. No longer just a mediator, he had to personify and defend the philosophy that so many new members shared: the preservation of the UN as the guardian of members' rights and liberties was tantamount.³

Despite Thant's anti-colonial sympathies, his devout faith in Buddhism made his desire for worldwide peace sacrosanct. His abhorrence for any kind of violence was evident in that he prayed every morning specifically for the sparing of lives around the world.⁴ As a result, he would try, on several occasions, to bring a peaceful solution to the Vietnam War. War was raging in Vietnam, claiming hundreds of lives and draining vast resources, yet the obstinacies of the parties involved in the fighting all but prevented his intervention. The list of interested parties was

² Ibid.

³ Ibid.

staggering: the United States, South Vietnam, and North Vietnam were the primary players. Secondary players, defined as parties who committed money, troops, or moral support, included France, the Soviet Union, and the People's Republic of China. The National Liberation Front—the political arm of the Vietcong—was stuck somewhere in between but still commanded attention. Additionally, SEATO and NATO members gave a nod of allegiance to the American effort, while Warsaw Pact members towed the communist party line. With such bi-polarity and spheres of influence, the Cold War was just as frigid in the UN as it was in Washington, Moscow and Beijing.

To complicate matters, half of the above players—regardless of their degree of involvement—fell outside the UN's jurisdiction: only the United States, France, and the Soviet Union were UN Members during most of the war. Regardless, all parties at one time or another objected to UN involvement. The United States see-sawed between UN involvement and exclusion throughout the war. The Republic of (South) Vietnam fervently objected to UN involvement for it was entirely dependent on American financial and military aid in curbing the communist insurrection. Any UN involvement presaged a diminished

⁴ Ibid., 144. Thant's character made him an exemplary and extremely popular

American presence in South Vietnam and all but promised an upheaval in Vietnam's economy and its autonomy. This fear was deep-rooted in every regime that would rise to power in Saigon. Although Ho Chi Minh and U Thant had met amicably in 1954, the Democratic Republic of (North) Vietnam refused to negotiate *en total* once the US initiated bombing attacks in 1965.

Of the secondary players, France adamantly opposed UN involvement in any of its colonies.⁵ In pure Cold War, superpower fashion, the Soviet Union wielded the mighty veto to stonewall any proposal that hinted at curbing the spread of communism. Communist China's exclusion from the world organization (it was not welcomed until 1971, when it replaced the Nationalist Chinese government on Taiwan) created a great deal of bitterness, directed both at the United Nations and the United States. Any hint of UN involvement in Vietnam was therefore quickly berated. As Thant saw it, China considered the UN as nothing more than a "stooge" and a "tool" of Washington.⁶ If there was ever a tool or stooge in

Secretary-General and representative to the UN; he embodied the organization's humanitarianism.

⁵ Bloomfield, 10. Clearly, France was not coping well with the dissolution of its empire. The fact that the UN stressed national self-determination by way of trusteeship did not make it any easier.

⁶ Thant, 57, 63. China's involvement is one of the War's greatest ironies. The United States was constantly in fear of Chinese intervention, for a larger land war in Asia involving the world's most populous country would categorically drain every US resource and would most likely lead to nuclear war. Yet the indigenous people of Vietnam have passionately despised the Chinese for centuries. They were able to put aside their differences during the Vietnam War

the Vietnam War, it was the National Liberation Front (NLF), the political extension of the Vietcong. A weapon of convenience for the DRV and the North Vietnamese Army until after the Tet Offensive of 1968, South Vietnam refused to recognize the NLF and accordingly withdrew from any proposed negotiation that involved the political group. Consequently, North Vietnam shot down any diplomatic proposal that excluded the NLF.

With such a gloomy forecast, Thant was skeptical that the UN could play a pivotal role in ending what he described as “the cruel, bloody senseless war.”⁷ Still, Thant plodded ahead, exhausting every effort to bring a peaceful solution to the War. In 1964, he met privately with key leaders. Soviet Premier Nikita Khrushchev confessed that Vietnam was “thousands of miles away” and the USSR could do little to resolve the conflict. He did, however, encourage Thant to continue pursuing a UN solution. General Charles de Gaulle believed the problem should be left to the

only long enough to obtain their respective goals—namely independence for North Vietnam and the spread of communism in Southeast Asia for the Chinese. It cannot be denied that China funded all but the entire war effort in North Vietnam. Ideologically, however, Ho Chi Minh was closer to Soviet communism than the Chinese interpretation and practice. China, in fact, would abandon Vietnam by opening diplomatic relations with the US during the Nixon administration and, to add insult to injury, China would invade communist Vietnam in 1979. In Ho Chi Minh’s opinion, there was certainly a lesser of two evils in regards to foreign occupation in Vietnam, “I prefer to sniff French shit for five years than eat Chinese shit for the rest of my life.” See Karnow, 43, 153.

⁷ Ramses Nassif, *U Thant in New York, 1961-1971: A Portrait of the Third UN Secretary General*, (New York: St. Martin’s Press, 1988), 49.

Vietnamese to solve. Further, he was not clear as to whether peace in Vietnam required a political or military solution. The French president was more concerned about the crisis in the Congo and the UN's financial woes. Thant's meeting with President Johnson, although warm and friendly, accomplished very little. Johnson discouraged Thant from discussing the war in Vietnam. Instead, he seemed more intent on winning Thant's friendship.

Given this superficial relationship and the fact that the US was the dominant player in the War, Thant's efforts at a solution were often directed at Americans. He could not turn a blind eye or deaf ear to the war in Indochina. In light of Washington's obstinacy, Thant, the quintessential diplomat, took matters into his own hands. His valor suggests he desired peace in Vietnam more than anyone else. On more than one occasion, he took great strides to achieve this peace. The story of U Thant and his efforts are important for two reasons. For one, he offered the only multinational, diplomatic attempt at settling the war. Second, the end result signifies the painfully clear conclusion that the US, the only UN member involved in the war, was incapable of compromising its aims. This inflexibility cost the US over 53,000 lives and roughly \$108 billion.

Although his position in the UN required him to be impartial, Thant was quite vocal in his opposition to American foreign policy in Vietnam. In retrospect,

I had held all along that the real issue of the war was not whether the political aims of U.S. policy were right or wrong; the issue was the American *conduct* of the war. Even if the United States were right politically, it was, in my view, immoral to wage a war of this kind [*italics in original*].⁸

This was certainly not the tone of an impartial observer.

Thant failed to make more friends in Washington with opinions and remarks like these. But experience had made him a wise man, although it had also made him a cynical one as well. He was painfully aware of Cold War diplomacy and brinkmanship. It is easy to imagine that Thant's discouragement with Johnson and the State Department had an ostracizing effect in Washington. Thant's comments revealed the volatility of the situation in Vietnam as well as his frustrations with the UN's role in the war. As the bombing of North Vietnam increased, however, so did Thant's opposition. Thant knew that by opposing the US decision-making regarding Vietnam, he was compromising his reputation as an independent moderator. Therefore, he concentrated on using his position and influence to negotiate for peace talks, a position that represented the world's preference for peace.

⁸ Thant, 58.

Still, Thant persisted. On 6 August 1964, he visited the White House to discuss the war with Johnson. This meeting is symbolic in that it marked Thant's first concrete proposal to end the war. He proposed a secret meeting between representatives of North Vietnam and the US in the absence of publicity and a third party. He stressed secrecy and it is clear why: the State Department—really the Johnson Administration as a whole—was aware that (publicized) negotiations would weaken the American position. Further, it would damage US-RVN relations and jeopardize the vulnerable government and its fragile morale.⁹

Based on his conversation with Ho Chi Minh ten years before(!) and more recent talks with Vietnamese leaders, Thant was confident the DRV was receptive to secret talks. The North Vietnamese stood to gain from secret negotiations as well. Their relationship with the Chinese was precarious. Without China's assistance, North Vietnam's goal of independence was nothing more than a pipe dream. As patrons, China strongly opposed negotiations and made its opinions well known among its apprentices to the south. The sagely advice "don't bite the hand that feeds you," was an adage of which the North Vietnamese were well aware.

⁹ Ibid., 63, 66, 68.

Thant attended two meetings to discuss this proposal. The first was held in the Oval Office with President Johnson, Thant, Thant's Under Secretary Ralph Bunche, US Ambassador to the UN Adlai Stevenson, "Special Assistant to the President" (also National Security Advisor) McGeorge Bundy, Ambassador Angier Biddle Duke and Assistant Secretary of State Harlan Cleveland (who took notes during the meeting). The second meeting occurred at the State Department with Thant, Secretary of State Dean Rusk, former Assistant Secretary of State for Far Eastern Affairs W. Averell Harriman, current Assistant Secretary of State for Far Eastern Affairs William Bundy, Stevenson, his deputy Charles Yost, Bunche, and Johnson confidant Clark Clifford (who would replace Robert McNamara as Secretary of Defense in 1968). Thant's memoirs only discuss the State Department meeting. The reaction to Thant's proposal was slightly different in each meeting. Again, Thant's visit to the Oval Office was officially recorded by the State Department and offers more detail than his recollection of the State Department meeting. As a result, the White House visit allows for more insight into the general mood of the meeting and of its participants.

After meeting with President Johnson privately, Thant welcomed the addition of a select group of American diplomats

and confidants, most notably McGeorge Bundy. The atmosphere in Johnson's office was earnest and somber, due in part to Thant's sincere desire for a peaceful solution in Vietnam. Thant recommended using Mohammed Ayub Khan, the President of Pakistan, as an intermediary to "probe" Ho Chi Minh's willingness to meet secretly with US officials.¹⁰ Thant revealed that Khan had expressed an interest in such a role. Bundy informed Thant that the US had used Khan already as an intermediary with Ho (through Peking), but to no avail: "we have made some effort to get through but it seems to be a blank wall."¹¹ Johnson hinted aloud that using Khan would not be a good option and Bundy agreed—there were rumors that Khan was responsible for leaking to the French press his meetings with China. Johnson reasoned that, if the Pakistanis wanted to take credit for the mediations, they probably would not be the best choice. Bundy added that it was difficult for the US to

¹⁰ United States, *Foreign Relations of the United States, 1964-1968, vol. I, Vietnam: 1964*, 643.

¹¹ *Ibid.*, 644. If this is indeed the case—that the US explored negotiations with North Vietnam through China—it shows a complete about face from previous Cold War policy. In 1964, China's anti-Western sentiments were stronger than the Soviet Union's; the Chinese seemed to especially revel in the American struggle in Vietnam. Further, Thant believed Ho was leaning more towards Moscow than Peking in communist ideology. Considering the US feared an escalation of the war to include China, sending feelers for private talks to the Chinese seems reckless at best. One can imagine the Chinese would publicize an American initiation (for negotiations) in an instant. Although, by going to the Chinese, the US would recognize the fact that China was the force behind Ho and the North Vietnamese aggression. In all, however, it ignores the existing US policy of disdaining negotiations for fear of appearing weak and conciliatory. This seems the diplomatic equivalent of the Christian confessing his fear of lions before being thrown into their den.

use the Pakistanis because of their relationship with India (there is no elaboration as to why the US was using Khan to negotiate with the Chinese in light of this problem). Thant's peace proposal, therefore, seemed to hit a snag. He countered by offering Burma and Cambodia as alternate intermediary options, but was aware that neither were truly viable options: Cambodia was in turmoil and Burma was not interested. The meeting, and any hope for further explorations for peace, was summarily adjourned when the First Lady appeared for Thant's scheduled tour of the Rose Garden. Despite Johnson's claim that, "we are ready to get out [of Southeast Asia] tomorrow..." this meeting and its ridiculous, Lady Bird-prompted conclusion signified the administration's questionable sincerity in resolving the war peacefully in Vietnam. Johnson's desire for withdrawal is not under question. By 1964 he was already looking to get out, but he was not willing to do so at the expense of American integrity at the peak of the Cold War.

In his notes, Cleveland used the phrase "again reverting to earlier history" in reference to Thant's suggestion to revive the 1954 Geneva Accords. In doing so, Cleveland suggests (although not intentionally) that Thant was out of touch and not realistic in his proposals. Thant speculated on Ho's views from a conversation with the influential leader nine years earlier and he

revisited the 10-year-old Geneva agreement that the US did not endorse and therefore never enforced. Thant's optimism is tragic in its innocence.

Following the tour of the Rose Garden, Thant's second meeting with Washington officials regarding Vietnam was a working lunch at the State Department. Upon presenting his proposals, Thant gauged his audience. He found a "receptive" Rusk and an "enthusiastic" Harriman.¹² With the exception of Bundy, who refrained from comment, everyone else appeared open minded and interested. Whether these reactions were sincere or feigned for purposes of diplomatic courtesy was yet to be seen. Thant genuinely believed the former.

Once back at the UN, Thant resumed his independent search for peace. He opted to use the Soviets as the channel to contact Hanoi. His biggest fear was the Chinese discovering his activities—it would jeopardize any chance of negotiations as China was adamantly opposed to Ho even humoring a proposal. In addition, the Chinese considered Thant and the UN "tools" of the US. Thant's concern suggested he did not believe Johnson's and McGeorge Bundy's claim that the US had tried using China to negotiate with Ho (see previous note). Moving ahead, Thant asked

¹² Thant, 63.

Vladimir Suslov, the UN's Undersecretary of Political and Security Council Affairs, to deliver a message to Ho. The note's neutral tone was classic diplomacy: if a representative of Hanoi were to meet with a representative of Washington—without publicity or a third party's involvement—it would be in the interest of peace.¹³

In late September of 1964, Thant received word from Suslov that Hanoi would welcome the opportunity to meet with a representative from Washington. Delighted, Thant shared this information with the understandably surprised US Ambassador Adlai Stevenson. Three weeks later, however, Stevenson reported back to Thant that the President was immersed in his election campaign against Barry Goldwater and the initiative with Hanoi would have to be shelved for the meantime. Patiently, Thant waited for the November election to pass. Once it did, he pressed Stevenson for answers from Washington. To Thant's surprise and grave disappointment, Stevenson reported that Washington's own channels had concluded that Hanoi's offer was not a serious one. Thant asked Stevenson to identify Washington's "channel." He told Thant it was J. Blair Seaborn, the Canadian representative of the International Control Commission (ICC, the closest thing to a

¹³ Ibid.

multinational observer group in Vietnam, made up of Canadian, Indian and Polish representatives).

Thant found Stevenson's answer incredulous and, therefore, unacceptable. He spoke to Paul Martin, Canada's Foreign Minister, and asked him if there was any way that Seaborn could have this kind of access or influence in Hanoi. Martin assured Thant that Seaborn had no access to any high-ranking member of the DRV.¹⁴ Thant was comfortable with Martin's answer: it was unfeasible that a North Vietnamese official would confide in a Canadian—let alone one on the insignificant ICC—that his government was interested in secret talks with the US. The Indian and Polish members of the ICC confirmed Thant's suspicions—no ICC members had such access.¹⁵

¹⁴ *The Pentagon Papers* refute this claim. The State Department was well aware of Seaborn's communication with Pham Van Dong, North Vietnam's Premier. The two had met on several occasions in Hanoi in 1964 and 1965 to discuss American and DRV commitment to victory and respective intransigence for a settlement. In June of 1964, the two had even discussed a meeting with Ho Chi Minh. Further, on 28 May 1964 Lyndon Johnson and MacGeorge Bundy met in Ottawa with Canadian Prime Minister Lester "Mike" Pearson, Martin, and Seaborn to discuss (among other things) Seaborn's duties as "interlocutor" with the DRV. In closing, the argument that Canada was unaware of Seaborn's duties or actions is simply not feasible; Martin had lied to Thant. See George C. Herring, *The Secret Diplomacy of the Vietnam War: The Negotiating Volumes of the Pentagon Papers*. (Austin: University of Texas Press, 1983), 7-44.

¹⁵ Thant, 63-5. The fact that this is not true (see previous note) suggests the negotiations between the US and the DRV, with the Canadian Seaborn as intermediary, were truly secret, to the extent that not even the Secretary-General of the United Nations could be trusted or informed. Sadly, this implies the UN, the international model for peace, would be shut out of the equation for peace at the outset of the war.

The mystery continued. On 31 January, in search of an update, Thant approached Stevenson's deputy, Charles Yost. To Thant's bewilderment, Yost had no knowledge of any proposal for a secret meeting. Thant reasoned that if Yost was kept in the dark about the proposal, no one in the US mission was "in the know." If no one in New York was aware, who in Washington knew? If the US was serious about negotiating, why were more people not involved in making the peace talks a reality? Thant feared the worst. Looking for answers, he turned to his friend, American journalist Walter Lippmann. Lippmann theorized that Washington had balked at the offer to negotiate because the US was actually planning to expand the war—most notably by bombing North Vietnam. In consideration that Johnson would not bargain with North Vietnam from a position of weakness, bombing would establish a clear and convincing military superiority and an upper hand in negotiations.

Lippmann was correct. On 7 February, the US commenced bombing North Vietnam. The Johnson administration justified its actions as a retaliation for a Vietcong attack on the Pleiku barracks. The bombing, of course, destroyed any chance for negotiations with North Vietnam. This sudden turn for the worse incensed

Thant and on 24 February he uncharacteristically voiced his disappointment:

I am sure that the great American people, if only they knew the true facts and the background to the developments in South Vietnam, will agree with me that further bloodshed is unnecessary. The political and diplomatic method of discussion and negotiation alone can create conditions which will enable the United States to withdraw gracefully from that part of the world. As you know, in times of war and of hostilities, the first casualty is truth.¹⁶

The Johnson administration was furious. Thant's damaging remarks were both disrespectful and harmful in an already volatile and vulnerable relationship between the United States and the United Nations. Again, Thant was unique in his outspokenness and in his alienation from Johnson loyalists.¹⁷ Thant had by now been ostracized by both China and the United States—the two bankrolling superpowers who were calling the shots in the war.

¹⁶ Ibid., 67.

¹⁷ Thant's fears that Johnson had been kept in the dark regarding his peace proposal would soon be realized. In a terse, closed door meeting during the 20th anniversary celebration of the UN Charter signing (on 25 June 1965 in San Francisco), LBJ led Thant to believe that he had no prior knowledge of such an initiative. A little over a year later, in a meeting with Secretary of State Rusk, President Johnson and recently appointed US Ambassador to the UN Arthur Goldberg, Johnson and Rusk seemed to remove all doubt. Johnson stated the proposal "was a new book to me," and Rusk confirmed, "[Adlai] Stevenson had been asked to keep the door open," suggesting it was Stevenson himself who called off the proposed meeting with representatives from Hanoi. Needless to say, Thant was flabbergasted by what he heard. Stevenson had been dead since July and was therefore unable to set the record straight. Although Stevenson had a Cabinet seat, it is extremely unlikely he would take the initiative to call off the talks without having discussed the opportunity with Rusk or Johnson. It is therefore impossible to know for sure who is telling the truth. This sidebar reads like a mystery in Thant's memoirs. See Thant, 63-70.

Any hope Thant had of intervening, whether with or without the UN, was extremely slim.

In 1965, at the twentieth anniversary of the signing of the UN Charter in San Francisco, Johnson approached Thant and asked to speak with him privately. Signifying his distrust of or lack of faith in Adlai Stevenson, his Chief of Mission to the UN, Johnson asked the ambassador to wait outside while they spoke, yet invited his own daughter—Lynda Bird Johnson—to attend: a symbolic slap in the face to Stevenson. For the next 70 minutes, Johnson and Thant discussed their differences in policies in regards to Vietnam. Thant recalled Johnson's "serious," concerned, and "sour" tone in the small room in the San Francisco's Opera House.¹⁸ Johnson was quite alarmed about Thant's comments regarding the American handling of the war. This meeting was an effort in to resolve their differences.

It was no secret that Johnson respected and admired Thant: he had gone out of his way on several occasions to make Thant feel important.¹⁹ The President reiterated that evening in San Francisco that his government was doing everything in its power to bring peace to Vietnam. He argued that the attempts at secret negotiations had failed because secrecy had been jeopardized: the

¹⁸ Thant, 67.

stability of an already volatile Saigon government would be seriously compromised if news of any secret negotiating had been leaked.²⁰ He assured Thant that Averill Harriman was ready at a moment's notice to go anywhere to discuss with anyone the prospects for peace in Vietnam. He also informed Thant that he had vetoed General LeMay's recommendation to bomb China and that he had earmarked \$1 billion for the economic rehabilitation of both South and North Vietnam, available as soon as peace was attained.²¹

To Thant's surprise, Johnson then changed tack and berated Stevenson. He reminded Thant that his ambassador to the UN had lost two presidential elections, in part because he had no sense of public opinion, and that he was usually incorrect in his conclusions regarding both domestic and foreign events. Last, Johnson accused Stevenson of being an idealist stuck "with his head in the clouds."²² As Thant masked his shock over Johnson's disparaging comments, he listened to the President defend his actions: as president, he had to be much more realistic and more attuned to public opinion (than Stevenson) and that, in 1965, there was still overwhelming support for bombing North Vietnam to curb

¹⁹ Ibid.

²⁰ Ibid., 68.

²¹ Ibid.

²² Ibid.

insurgency in the South. Thant, who firmly believed there could be no chance for peace while bombs fell, chose not to argue with Johnson—a testament to Johnson's tone and mood that evening.²³

In this environment the Secretary-General launched his own peace initiative. In March of 1965, he proposed a 3-step plan to precipitate negotiations: 1) a full cessation of bombing in North Vietnam; 2) the de-escalation of all military activities in South Vietnam by all parties; and 3) the participation of all those who were involved in the fighting in South Vietnam for discussions. China commented quickly and coarsely; it ignored the first two points and addressed the third by claiming North Vietnam would continue to fight for peace as long as there were Americans on its soil.²⁴ The US rejected the first and third points (but would agree to them five years later after the death toll and cost of the war hurtled further out of control).

Thant was more interested, however, in Hanoi's reaction to his new proposal. Suslov was no longer an option to probe Hanoi by way of Moscow—he had been recalled at Soviet Ambassador N.T. Federenko's urging, and in part due to his involvement in the last secret probe made a few years earlier. Thant began looking for other alternatives. He settled upon Roger Seydoux, the French

²³ Ibid., 69.

ambassador to the UN. By February, the request to meet had been sent to, and approved by, Hanoi. Thant met with Colonel Ha Van Lan, the North Vietnamese representative to the ICC and deputy chief of the Hanoi Foreign Office. Joining them were Nguyen Tu Huyen, also from the Hanoi Foreign Office (he would serve as an interpreter), Le Tung Son, the consul general, and Thai Thanh Nen, consul. They met at Le Thung Son's residence in Rangoon at 9:30pm on 2 March 1967.

"It was a very friendly meeting," remembered Thant. He presented three new proposals: 1) a general standstill truce, 2) preliminary talks between the US and North Vietnam, and 3) reconvening of the Geneva Conference. Thant's wish to breathe life once again into the Geneva Conference was understandable, but controversial. The 1954 Conference was a diplomatic meeting that created political solutions to the problems in Vietnam—something Thant wanted from the beginning. It also included representatives from nearly every interested party. The problem with the Geneva Conference was that the US did not agree to its proposals and therefore did not sign the agreement. Thant believed these proposals were more applicable to the current situation in Vietnam. The new proposals were acceptable to the DRV

²⁴ Ibid., 72.

representatives although they wanted them kept secret until their superiors had reviewed them. The meeting was again held without China's knowledge, who still adamantly opposed negotiating with the Americans. Hanoi realized full well, however, that it needed China's patronage.²⁵

Encouraged, Thant returned to New York, hoping the talks could remain secret while the North Vietnamese deliberated. In the meantime, he shared the proposals with select diplomats from the US, France, the Soviet Union, South Vietnam and Great Britain. The talks, sadly, could not be kept secret: word leaked out within a few days. As a defensive measure, Hanoi voiced its opposition to Thant's proposals. This pressured Thant to publicize his proposals in the form of an *aide mémoire* (see Appendix F). Two patterns followed: 1) many leaders supported Thant in the belief that the Vietnam War was a political conflict that required a political solution and 2) a political solution was not possible unless the US halted its bombing of North Vietnam. The Americans, however, could not bring themselves to halt the bombing because of its suggestion of weakness. Admirably, Thant empathized with the US. He realized the risk a bombing halt would bring to the US: it could encourage the North Vietnamese to "beef up" its

²⁵ Ibid., 74.

infiltration efforts into South Vietnam. Both Thant and Secretary of Defense Robert McNamara, however, agreed that the bombing was more of a penalty than a deterrent to infiltration; it would continue regardless. Nonetheless, Thant concluded a bombing halt was a risk worth taking as a step towards peace.²⁶

On 29 September 1967, six months after Thant spoke to State Department officials and released his second peace proposal, the US made a move towards conciliation. In a speech during a visit to San Antonio, Texas, Johnson announced a new tack for American policy in Vietnam. He stressed that the US was “willing to stop all aerial and naval bombardment of North Vietnam when this will lead to productive discussions.”²⁷ This announcement was coined the “San Antonio Formula” and it was a formula indeed. North Vietnam reciprocated on 29 December and Johnson acknowledged the effort in his State of the Union address the following month. This encouraged Thant to make a third effort towards peace in Vietnam. He met again with North Vietnam’s consul general, Le Tung Son, this time in New Delhi. Le stated that his government would “hold talks with Washington on all relevant matters at an appropriate time, after the unconditional

²⁶ Ibid., 77.

²⁷ Ibid., 78.

cessation of bombing and all other acts of war.”²⁸ In addition, Thant received word from North Vietnam on 14 February 1968 that the DRV was ready to negotiate immediately—as soon as the bombing stopped. To emphasize its commitment, Hanoi offered to discuss any matter—including troop withdrawal and reconvening the Geneva Conference. In essence, Hanoi was agreeing finally to reconsider Thant’s proposals which he had made in Rangoon the previous March.²⁹

This marked the beginning of negotiations. Averell Harriman led a US delegation to Paris to meet with DRV representatives in May of 1968. The secret road to peace, however, would not be a straightforward journey. There were several hurdles that had to be cleared (including the shape of tables to be used) and the war in Vietnam would not come to a close until January of 1973. Nonetheless, Thant’s role in getting parties to the conference table cannot be overlooked. His efforts, coupled with two combatants growing increasingly weary from fighting and too little progress, were instrumental in inducing negotiations. Of course, the fact that the United Nations could not play a larger role in the negotiations, let alone in the overall peace process, was a

²⁸ *Ibid.*, 77.

²⁹ *Ibid.*, 78.

point of heartbreaking consternation that haunted Thant and continues to stigmatize the United Nations to this day.

Chapter 5

Dean Rusk

United States-United Nations relations during the Vietnam War cannot be sufficiently understood unless one looks at the department primarily responsible for formulating and executing American foreign policy. Given the fact that President Johnson was dependent upon his advisers, especially in areas outside his expertise like foreign affairs, the State Department's role in this saga is significant to say the least.

The Department is, in a sense, a two-headed beast: the Secretary of State and the State Department as a whole. The Secretary of State is a presidential appointment (which also requires congressional approval) who is assigned the task of representing the department in the Cabinet, the Oval Office and around the world. As leader of the department, the Secretary must relay the president's foreign policy goals and ensure that they become reality.

The State Department organization is an entirely different and unique force. The heart and soul of the department—its researchers, policy planners, officials, etc.—are career foreign

affairs experts more or less immune to party politics. Seldom are these people cleared out when a new president is elected. As a result, the department can function, to considerable extent, without a Secretary's direct, day-to-day leadership.

As a result, the following is a two-part study of the State Department's role in the relations between the United States and the United Nations during the Vietnam War. The distinction is important and necessary because, at many times, the two entities worked independently. Specifically, Johnson's Secretary of State, Dean Rusk, was kept busy advising the president and marketing the administration's foreign policies to both the press and to international officials. "I felt it was my role to stand as a buffer between the President and the [State Department's] bureaucracy with respect to matters of considerable controversy."¹ The energy and the dedication these responsibilities require are inestimable. It comes as no surprise, therefore, that the business of researching and executing foreign policy was left to the State Department while Rusk attended to his specific responsibilities. Although these two facets were working in conjunction with one another towards a common goal, the results of their work differed; it was Rusk's theory versus the Department's practice. As a result, the

contradiction lends itself to the controversy over the role the United States had in mind for the United Nations, and to some extent, the role the United Nations accepted in the Vietnam War.

Only Cordell Hull, Franklin Roosevelt's Secretary of State, served longer at the attractive but grueling post. Few would question Rusk's (or Hull's) loyalty to his president or dedication to his job. In the eight years Rusk served as Secretary of State, he only took seven weeks off and most of those vacations from Washington were forced upon him by his presidential superiors.² Rusk was qualified for Secretary of State and his track record impressed Johnson so much that he asked Rusk to stay on board for his administration (Rusk had been appointed under Kennedy). Although too old and "un-hip" to be lopped into Kennedy's "best and the brightest" wonder boys, Rusk was undoubtedly one of the brightest officials in 1960s Washington.

Perhaps the best way to sum up Dean Rusk is to say that he was a product of his environment. He was just a boy in rural Georgia when Woodrow Wilson professed his hopes for a new world order, but it had a profound impact on him. Wilson's quest for world peace and cooperation was noble, Christian, and a model

¹ Dean Rusk, interview by Paige E. Mulhollan, 28 July 1969, interview I, transcript, Internet copy. Dean Rusk Oral History, Lyndon Baines Johnson Library, Austin, TX, v.

the entire world could follow. The Munich Analogue in 1938 symbolized the dashing, in one stroke, of Wilsonian idealism. Rusk matured to see the necessity of a colder, Roosevelt/Acheson-inspired realism that evolved into a Cold War core value. Rusk, like many who had lived through both world wars, made the transition between the two ideals and understood the need for such a shift.

Rusk was such a firm believer in Wilsonian idealism during the early part of his career that he worked tirelessly and enthusiastically toward one of Wilson's unrealized dreams—a world governing body (Wilson's League of Nations was established but without its draftsman and biggest supporter: Wilson's hands had been tied by an unimpressed Congress). Rusk's work in the UN seemed dedicated to Wilson's honor. The United Nations was a more realistic version of Wilson's League of Nations. Appointed Director of Special Political Affairs, Rusk played an integral part in the formation of the UN, including the development of organizational machinery and many of its procedures.

As one of “those UN boys,” Rusk established himself as an earnest advocate of an organization to be used as a solution instead

² Thomas W. Zeiler, *Dean Rusk: Defending the American Mission Abroad*,

of a decoration.³ The emphasis on law and the belief that law must precede diplomacy (i.e. concessions like the Munich Pact) convinced Rusk of the organization's purpose. He was determined to make the UN achieve this goal—to provide peace and security through international law—at all costs. He suspected the Soviets would impede the UN's progress but this was a hurdle the UN would have to surmount.⁴ Rusk was a strict interpreter of the Charter and likened it to the US Constitution. He invoked the Charter when confronting Soviet aggression and encouraging other nations to use peace and cooperation over war in settling their disputes.⁵

This is not to suggest Rusk was a dove. Having witnessed Japanese aggression firsthand, his outlook shifted from idealism to realism with the conclusion that force was, at times, the only answer. This was especially the case of aggression in the name of territorial expansion. Rusk evolved into a Cold Warrior and a staunch anti-communist and containment advocate. He viewed the advancement of US national security/foreign policy interests (namely, containment) as being synonymous with a more universal

(Wilmington (DE): SR Books, 2000), 37.

³ Dean Rusk and Richard Rusk, *As I Saw It*, edited by Daniel S. Papp. (New York: WW Norton, 1990), 136.

⁴ Zeiler, 13-14.

⁵ Ibid.

UN peace initiative.⁶ If the US had to engage in military action to promote and/or defend these ideals, then so be it. He advocated a large UN force ready for deployment for just such instances.

Rusk reasoned that pressure could also be applied politically in the UN. In 1947 Rusk protested President Truman's decision to go around the UN and send aid directly to Greece and Turkey by means of the Truman Doctrine and aid to Western Europe by means of the Marshall Plan.⁷ These were political solutions, he argued, that the UN was capable of handling. Further, he advocated using the UN in nearly every international incident through the 1950s and early 1960s, including the Berlin Airlift, the Korean War, and the Cuban Missile Crisis.

With one of the UN's most vocal cheerleaders in the influential position of Secretary of State (Rusk had even more influence because he served under Lyndon Johnson, a novice in international affairs) it is inconceivable that Rusk would not argue for UN involvement in the Vietnam War as energetically as he had during previous international incidents. The fact that Rusk ultimately forgot about the UN as a possible solution in Vietnam is even more incredible.

⁶ Ibid.

⁷ Ibid., 17-8.

Why did Rusk relegate the UN to the back burner as a settlement option? Both during and after his tenure as Secretary of State, Rusk insisted that the United States was involved in Vietnam to fulfill its SEATO obligations. As discussed in Chapter Two, regional alliances like SEATO characterized the Cold War and were viewed as more efficient alternatives to dealing with crises than the broader collective security system of the United Nations. As Rusk and most Cold Warriors saw things, American membership in SEATO necessitated American involvement in Vietnam, regardless of cost. As a loyal servant and idealist, Rusk developed a “live by the sword, die by the sword” mentality in regards to regional alliances. In other words, the United States would risk nearly everything for Third World countries like Vietnam, whose autonomy had no bearing on American national security, because the United States had committed itself to do so.

In an era when perceived power was as effective as actual power, Rusk would not abandon American obligations to regional alliances for fear of sending the wrong message to allies and communists alike. When posed with the question as to whether the Vietnam War compromised the American commitment to NATO, Rusk indirectly summarized his opinions on regional alliances: Some of them [NATO members] did not understand that the integrity of the United States under a security treaty is of

fundamental importance to Western Europe. Had we simply pulled out of Viet Nam, [French] President de Gaulle would have been the first one in Europe to say, "Ah, you see, you cannot rely upon the Americans under a security treaty."⁸

Although Rusk's commitment to honoring regional alliances was both idealistic and noble, it failed to address the realism that he became such a proponent of during the Cold War. The fact that Rusk used de Gaulle as an example of integrity and honoring commitments is simply ludicrous for it was de Gaulle who withdrew France from NATO, and therefore its commitment to defending Europe, in 1967 (three years before Rusk's above response).

Rusk's commitment to SEATO is further questionable because he did not support American involvement in the organization: "I thought the SEATO Treaty was a mistake. When the United States signed that treaty, SEATO became the law of the land and linked South Vietnam to the general structure of collective security. No one really stopped to think of what an American commitment to collective security on the Asian mainland might mean."⁹

In addition, Rusk feared the United States would bear the brunt of the commitment to defending Southeast Asia. Both he

⁸ Dean Rusk, interview by Paige E. Mulhollan, 8 March 1970, interview IV, transcript, Internet copy. Dean Rusk Oral History, Lyndon Baines Johnson Library, Austin, TX, 22.

and Johnson were frustrated with the lack of military support the United States received in Vietnam: "Australia and New Zealand could have done more. The Philippines could have done more. Britain could have done more—Britain did nothing in the military side."¹⁰ Because the United States did shoulder much of the burden in Vietnam, Rusk manipulated, or perhaps abandoned, the regional alliance concept.

We have not found it possible to let the attitude of other countries determine what the United States does because we've got our own vital interests at stake here and we can't subject those to the unwillingness of other countries to pull their share of the load. So we've carried a heavier part in Viet Nam than we ought to have carried if others had done their fair share of the job.¹¹

The point of criticizing Rusk here is to illustrate that he simply did not believe in SEATO and his faith in regional security alliances, as a whole, is in question. Nonetheless, he supported SEATO and the American commitment to Vietnam as another loyal servant in the Johnson administration. Given Rusk's firm belief that there should be no "blue sky" between the president and his advisers, he gave up on the UN as a possible solution.¹²

⁹ Rusk, 427.

¹⁰ Dean Rusk, interview by Paige E. Mulhollan, 26 September 1969, interview II, transcript, Internet copy. Dean Rusk Oral History, Lyndon Baines Johnson Library, Austin, TX, 32.

¹¹ *Ibid.*, 33.

¹² Dean Rusk, interview by Paige E. Mulhollan, 28 July 1969, interview I, transcript, Internet copy. Dean Rusk Oral History, Lyndon Baines Johnson Library, Austin, TX, 11.

Rusk subscribed early on to the belief that military intervention in Vietnam would not be possible while the Soviet Union was in the Security Council. As the war dragged on and the UN was probed for a political solution, Rusk shared a common belief that the organization's involvement would be futile. China was partly to blame for this conclusion, as was the DRV. Their fierce opposition to the organization was well known and often vocalized. As Rusk saw things, part of the problem also lay with the UN's Secretary-General.

U Thant knew of the reluctance to include the United Nations in the Vietnam War. As a result, he led a personal campaign to bring peace to Vietnam (see Chapter Four). Rusk resented Thant's crusade and accused him of fabricating opportunities for negotiations:

I thought he had lied like a sailor. I never had much respect for U Thant's integrity. He probably knew he never had a message from Hanoi that pointed toward peace. Sometimes intermediaries will say things to each side that go beyond the facts, hoping that somehow this will get the two sides together. Perhaps he was trying to find a face-saving device for us to get out of Vietnam. But we weren't trying to save face; we were trying to save South Vietnam.¹³

This was Rusk's attitude in 1964! He essentially branded Thant a meddler and ideologue and removed him and the UN from the equation of settling the Vietnam War. In just a short time,

however, the United States would become very interested in saving face and that goal would preclude the American decision to withdraw.

On a related note, the United States also became very interested in involving the United Nations in the Vietnam problem. This included, of course, Dean Rusk. Rusk would address, primarily in 1966 and 1967, the increasingly popular topic of involving the UN in a political solution. He would, in fact, revert to invoking the UN Charter to justify the UN's involvement. He stressed, however, that the UN should be utilized in conjunction with the ever-popular secret, bi-lateral negotiations (the kind that would make Woodrow Wilson roll over in his grave).¹⁴

Rusk, in fact, alluded to the press that the Johnson administration had given some thought to different roles the UN could play in Vietnam, from mediating to fighting.

I think it rather unlikely that the United Nations would provide troops or forces until there has been some sort of understanding about peace and a cease-fire. In other words, I think it is unlikely that the Security Council would provide forces for the purpose of fighting in the present struggle. Now, there could come a time, if the other side [the DRV] is willing, when the United Nations might play an extremely useful role in observing, safeguarding, watching, patrolling, insuring that agreements are, in fact, carried out. But I would think there are one or two steps that would have to be taken before that questions would arise.¹⁵

¹³ Rusk, 463.

¹⁴ United States, *Department of State Bulletin*, Vol. LIV, No. 1390, 14 February 1966, (Washington: United States Government Printing Office, 1966), 226.

¹⁵ *Ibid.*, 228.

These ideas could best be described as “cautious optimism.” The reasoning behind this newfound support of UN involvement was the stalemate that had evolved in the war: the United States was struggling with virtually no multi-lateral or international assistance or support.

In 1967, as the stalemate became more evident, Rusk redoubled his efforts to get the United Nations involved. He even downplayed the common concern that so few of the parties involved in the Vietnam War were Members of the United Nations.

Now, we believe this is a proper concern of the United Nations. The fact that one party, or one or two parties, refused to accept the jurisdiction of the United Nations has nothing to do with the world responsibilities of the U.N. under its own charter. So we'd be glad to have this matter considered in the U.N. This is not the first time [the US has approached the UN on Vietnam], and my guess is it won't be the last time.¹⁶

Dean Rusk had come full circle from UN advocate to cynic and back again. As the point man for US foreign policy, it was evident that Johnson and the United States were moving in this direction too. How sincere Rusk, Johnson, and the United States were in this wish for UN action, however, would remain to be

¹⁶ United States, *Department of State Bulletin*, Vol. LVII, No. 1474, 25 September 1967, (Washington: United States Government Printing Office, 1967), 384.

seen. These comments by Rusk appear to be the last ones in which the administration looked to the UN with optimism.

Dean Rusk was arguably the administration's purest Cold Warrior. His strong aversion to communism and its proclivity for subversion and aggression instilled in him an unflagging commitment to uphold democratic values. Blending lofty idealism with cynical realism, Rusk exercised an iron will in his commitment to preserving Vietnam. Such focus, however, can distract one from rethinking his or her commitment when success proves elusive. Rusk was clearly disappointed that the United States was unable to achieve more concrete results in Vietnam. When asked to choose his greatest failure while in office, Rusk concluded that it was the administration's inability to finish what it had worked so hard for in Vietnam.¹⁷

Otherwise, Rusk seemed to be free from regret in regards to how he and the Johnson administration managed the Vietnam War. The only reason one can speculate why Rusk had so peacefully come to terms with Vietnam is that he honestly believed he had pursued every option to settle the war. Rusk worked tirelessly to bring peace to Vietnam, but he gave up much too soon—and, in fact, completely disregarded the United Nations as a possible

solution. Having been such an enthusiastic advocate of the UN and having had so much faith in the organization's ability to pacify crises, it is mind-boggling that Rusk could have had such a change of heart. Historians have been more critical of Rusk than he ever was with himself. Accordingly, one substantial regret the Secretary of State should have had was not sufficiently pursuing UN involvement as a solution to the Vietnam problem.

¹⁷ Dean Rusk, interview by Paige E. Mulhollan, 8 March 1970, interview IV, transcript, Internet copy. Dean Rusk Oral History, Lyndon Baines Johnson Library, Austin, TX. 34.

Chapter 6

The State Department

Dean Rusk was not the only member of the State Department that worked tirelessly towards uniting the UN with the Vietnam problem. The department is an enormous bureaucracy that employs thousands of qualified people to formulate American foreign policy. It is not difficult to imagine that the department's Office of Far Eastern Affairs was very busy during the Vietnam War. The Office would generate theories and policies that were weighed and considered by Secretary of State Dean Rusk and President Johnson. Sometimes the research would be approved and adopted, sometimes it would be denied and dropped.

In January of 1965, William Bundy, the Assistant Secretary of State for Far Eastern affairs and a major policy consultant in the Johnson administration, assigned to State Department policy planner Robert Johnson the task of exploring United Nations solutions or alternatives in regards to the Vietnam conflict. On 12 January, Johnson responded with a letter and two essays (these documents were declassified and released for this paper and are included in the appendix).

The first document, an essay titled "The United Nations and the Vietnam Problem,"¹ provided an expansive overview of potential UN roles in Vietnam. Robert Johnson's conclusions were less than promising. As he saw it, the United States had little to gain by any kind of UN involvement. He studied two types of UN involvement: 1) direct involvement by official peace keeping actions or formal fact finding missions and 2) indirect involvement by hosting discussions in the Security Council and/or the General Assembly. Johnson applied these alternatives to two particular scenarios: a) a North Vietnam free from American air strikes and bombing raids and b) a North Vietnam under American attack.

Before considering these possibilities, Johnson addressed some well-established notions: essentially a laundry list of indisputable observations and realities. First, all US/UN business should be conducted in the Security Council where the environment was "more manageable."² In other words, the Security Council had a much smaller panel (15 voting members) to

¹ It is interesting to note the State Department's terminology in reference to the war. The fighting had just begun in 1965 and the Johnson administration was in no hurry to refer to its involvement in Vietnam as a "war." The latter suggested prior Senate approval and the 1964 Tonkin Gulf Resolution all but alleviated this requirement. To downplay any serious concern, the situation in Vietnam was referred to abstractly and ambiguously as a "problem." This, of course, would change as the number of American fatalities rose and the resiliency of communist resistance grew parallel to the futility of the American mission in Vietnam.

² United States Department of State, "The United Nations and the Vietnam Problem," 12 January 1965, 1.

manage expectations (read: sway) than the larger, more ambivalent and non-aligned General Assembly where favorable votes could not so easily be counted upon. Second, the UN would be disinclined to act in Vietnam if it did not have the support of the Republic of (South) Vietnam, which was not a member of the UN. The failure to guarantee South Vietnamese support (for UN involvement) would seal the organization's fate. This was well understood among all parties—the fact that the US was managing the war, and not just providing assistance, was unmistakable. Johnson concluded that any US-sponsored proposal to the UN without RVN support would be “highly undesirable.”³ South Vietnam was the victim of the North's aggression, so without its support, the US had no valid argument for UN intervention: prosecution is seldom easy if a victim refuses to press charges.

One might ask why South Vietnam would oppose UN intervention. Although the unstable government could surely benefit from additional international involvement, the Republic of Vietnam feared such assistance. A multinational presence in South Vietnam would dilute the American presence there and, with such a diminished role in “propping up” the beleaguered government, the Americans would likely opt for a quick and quiet withdrawal.

³ Ibid.

Furthermore, any kind of international aid—be it military or otherwise—would pale in comparison to the quantity of American aid. Worse, international involvement could facilitate and hasten negotiations and force South Vietnam to compromise. If the United States requested UN intervention without RVN support, it would find itself in a “politically impossible situation,” namely international scrutiny for ignoring the rights of an autonomous RVN.⁴ This argument alone essentially solidified the administration’s decision to look elsewhere for troops—primarily through fellow SEATO members.

Vietnam’s former patron, France, also opposed UN intervention. France insisted on UN non-interference.⁵ As mentioned earlier, France viewed international involvement in its colonial possessions as needless meddling and a threat to its prosperity. If the Vietnam problem was internationalized, the likelihood of an international consensus in support of Vietnam’s independence was quite high. Despite the UN’s advocacy of trusteeship and its endorsement of national self-determination, France was not quite as eager to grant independence to its colonial possessions. This suggests France was simply expecting the United States to win back Vietnam and return it to its rightful

⁴ Ibid.

owner. Once American blood was spilled on Vietnamese soil, however, it would be impossible for the US simply to hand over a liberated Vietnam. Americans would not support such a decision, nor would the Vietnamese or other advocates of national self-determination. If the US were to remain in Vietnam—in essence, replace the French—it would draw the ire of most its allies.

American-French relations during the Vietnam War were cold. The fact that the two nations could not even agree on a mutual objective in Vietnam is testament to the war's legacy of hopelessness. The irony lies in the fact that the two nations were allies and the Americans responded to the French call for assistance.⁶ Differences between the two powers, in regards to Vietnam, emerged as early as the 1940s and hit their peak in the mid 1960s. France wanted American aid, but not direction and the US could not give so much of the former without the latter: they were understandably tied together. By the time the French were defeated in the battle at Dienbienphu in 1954, the US was committed to curbing the spread of international communism. France could only lodge its complaints diplomatically, which it did energetically.

⁵ Bloomfield, 10.

⁶ Karnow, 177.

France and the US were more alike than different. Both underestimated the will of the North Vietnamese and the xenophobia of all Vietnamese people. Neither wanted to surrender the prestige it enjoyed in previous times and under different circumstances. Last, neither power enjoyed being told how to conduct its foreign policy. The UN signified this threat to both nations. When American success in Vietnam became more elusive in the late 1960s, the US approached the UN (to France's chagrin) for assistance.⁷ Nearly every step of the way, France and its charismatic leader Charles de Gaulle opposed and criticized American decision-making as it pertained to Vietnam's fight against communism and its plans for the future. De Gaulle's opposition began with a call for the neutralization of Vietnam (he never specified which Vietnam: South or both North and South) and culminated with the call for a complete American withdrawal from Indochina.⁸ The message was clear: in its outspoken criticism of the war and of the American management of the war, France wanted no other countries to complicate further what it still regarded as ultimately French matters.

⁷ Ibid., 180. See also Frank Costagliola, "The Vietnam War and the Challenges to American Power in Europe," *International Perspectives on Vietnam*, edited by Lloyd C. Gardner and Ted Gittinger. (College Station: Texas A&M University Press), 148-153.

⁸ Ibid., 148-9.

French opposition to UN intervention was not the only hurdle the US had to surmount. If RVN support and/or involvement was to be included in any kind of US-led proposal, it seemed only natural and just that the Democratic Republic of Vietnam should also be included in discussions. The DRV (not a member of the UN) opposed any UN solution because of its obligation to communist China—a nation allegedly spurned by the UN. But with the addition of China in talks of a UN-sponsored solution, attention would be diverted towards the “China debate”: the argument over which China (communist, mainland China or nationalist China in exile on Taiwan) should be represented in the UN and, most importantly, hold the permanent seat in the Security Council. Johnson concluded, however, that the China debate was moot because any invitation extended to the Chinese or the DRV would be promptly declined. China wanted nothing to do with the United Nations (other than accepting membership) and considered the organization nothing more than “a tool of the imperialists.”⁹

Johnson did not have to work in the State Department to understand that these two parties needed to be involved in any discussion regarding UN involvement. So he recommended communist China’s membership simply to get the Vietnam issue in

⁹ Thant, 63.

motion. This recommendation was unlikely to get the State Department's endorsement. Like the RVN, the US government regarded such a compromise as out of the question. It was a synonym for weakness. The ideological bond the Soviets shared with the Chinese and North Vietnamese assured the stonewalling of any draft resolution making its way to the Security Council. The Soviets could be expected to wield the veto to defend the wishes of their Asian comrades.

The situation was hardly more attractive or promising in the General Assembly. Johnson concluded that non-communist states would be hesitant (publicly) to support UN involvement for a variety of reasons. Among them were: 1) a strong desire to avoid the Cold War implications of even indirect association with a superpower (over Vietnam) where no acceptable solution was evident; 2) the widely understood inability of the UN to deal with the problem (for reasons stated above—i.e. the distressing number of non-member parties involved and their reluctance in UN involvement); and 3) UN Secretary General U Thant's resistance to involvement having already been voiced.¹⁰ Even if U Thant and all involved parties had supported UN intervention, a UN-sanctioned peace keeping force in Vietnam confronted with

¹⁰ United States Department of State, 2-3.

guerrilla warfare would prove ineffective. The magnitude of forces required would exceed any level the inexperienced and financially strapped UN could provide. Any lesser involvement would mirror the current ICC ineffectiveness.

Johnson's following two points were a departure from what he set out to do. What had started out as a list of incontrovertible observations digressed into a list of objectives. Although this is a logical transition—establishing and evaluating a situation, then developing a plan of action—Johnson did it poorly and abruptly with no explanation for the sudden change in course. This observation is not intended as a critique of Johnson's writing or argumentation style, but an observation that suggests the futility in his assignment. It is symbolic of the hopelessness of a UN solution. Nonetheless, if the UN were to become involved in Vietnam, Johnson proposed several objectives: 1) justify current US activities there; 2) paint a "more appealing picture" of the American role in Southeast Asia;¹¹ 3) prove beyond a doubt that current DRV activities fall under the Charter's definition of "armed attack";¹² 4) provide a "route to negotiation"; and 5)

¹¹ Ibid., 3.

¹² This third objective is easier said than done. As with most documents, the UN Charter is open-ended and leaves much to be interpreted. The term "armed attack" appears only once in the Charter, under Article 51. Briefly, "nothing in the present Charter shall impair the inherent right of individual or collective self-defence [sic] if an armed attack occurs against a Member of the United

“satisfy” both domestic and international critics that the US has exhausted all of its options for UN involvement.¹³ In an effort to preserve America’s superpower reputation amidst a watchful international and domestic gallery, Johnson felt the US could save face by bowing to UN pressure to negotiate. Succumbing to international pressure was considerably less damaging than initiating negotiations. Again, Cold War philosophy equated negotiating to embracing weakness. An American agreement to negotiate, however, would unlikely impress the Communists and any lesser UN role would hurt future prospects for negotiation.

The breadth of UN involvement covered the entire spectrum of possibilities, but with one underlying component: they all assumed UN support of current US activities in Vietnam. In January of 1965, while Johnson was drafting this State Department proposal, the US was still in the driver’s seat in Vietnam. Having persuaded Congress to pass the Tonkin Gulf Resolution the previous August, President Johnson was essentially granted free rein to do as he pleased in Vietnam. With Defense Secretary Robert McNamara’s endorsement of General Kahn’s rule and

Nations....” The term “dispute” is used much more often in the Charter, but does not connote fault like “armed attack” does. Thus, the task of proving beyond a doubt that the DRV’s actions can qualify as an “armed attack” could and would be argued endlessly within the Security Council. Please see Appendix for the remainder of Article 51, as well as the entire Charter.

¹³ Ibid.

Johnson's defeat of Barry Goldwater for the presidency, there was a general feeling of accomplishment and optimism in Washington. These attitudes existed in spite of the fact that, by the end of 1964, people were calling for Khanh's ouster (US ambassador to South Vietnam General Maxwell Taylor even urged Khanh to flee) and the Vietcong had staged a devastating terrorist bombing at an American barracks in Saigon. Not to be swayed, Johnson opted to "stay the course," and resisted the Joint Chiefs of Staff request to begin bombing raids in North Vietnam.¹⁴ A drastic turn of events would mar the following year.

With the American commitment in Vietnam still a positive experience in 1965, Robert Johnson outlined two different options for bringing the Vietnam "problem" to the UN: 1) justify current and future US actions (in Vietnam) to gain UN support and endorsement and 2) justify current and future US actions and ask for UN assistance, involvement, intervention, etc. As was typical of "the best and the brightest," Johnson thoroughly explored the proposals, counter proposals, and probable outcomes of these two options under two different scenarios: a) the US maintained its current course (i.e. no bombing) in South Vietnam and Laos and b) the US initiated overt attacks on North Vietnam.

¹⁴ Karnow, 681.

If the US were to stay the present course and go to the UN solely to seek its blessing (Scenario A. Option 1), the outcome would be less than promising. The US needed a new “excuse”¹⁵ to bring the Vietnam problem to the Security Council, barring any new evidence of DRV activities in South Vietnam or Laos. The US objective would be to explain US/RVN measures in dealing with DRV insurgency and to seek official Security Council condemnation of the DRV. Such Council action would be unlikely due to the difficulty in getting a majority vote, let alone a unanimous vote among the Permanent Members. If compelled, the Soviets could create enough pressure in the Security Council to establish an international conference or UN fact finding/observer party to investigate the hostilities in Vietnam. The likelihood of this happening, however, was infinitesimal for Soviet policy was to veto any compromising Security Council proposal out of respect for the Chinese and North Vietnamese. Furthermore, the US would most likely have to defend accusations of violating the 1954 Geneva Accords, although Johnson was confident the US could answer these accusations. The end result of this scenario, Johnson concluded, would be no Security Council action or, at best, one that could not be enforced.

¹⁵ United States Department of State, 4.

On a more positive note, Johnson reasoned the US would come out of the experience appearing strong and benevolent, having articulated its desire for a peaceful, international solution. The overall effect of this scenario would depend entirely on who won the “propaganda battle” in the UN.¹⁶ Johnson’s conclusion was open-ended and ambiguous. The fact that the US would have to wage a “propaganda battle” to win over skeptics in the UN, would again put the US on the defensive and thus encourage few in the State Department to pursue this option.

Of the second scenario—the US would stay the present course in Vietnam but ask for UN involvement—Johnson appeared a little more hopeful and optimistic. US objectives would include a “more constructive-seeming and politically-appealing”¹⁷ statement of its objectives in Southeast Asia. Second, the US would seek a “broadening of international responsibility” for South Vietnam and last, the US would seek to establish a political and legal base (i.e. prove the DRV was engaging in an “armed attack” under Charter context) for any future action against the DRV. US proposals would include a mixture of military, political and economic solutions: a mobile UN peacekeeping force to patrol the entire region of South Vietnam to curb insurgency; a UN “good-

¹⁶ Ibid., 5.

offices mechanism”¹⁸ to mediate disputes between states in the Mekong River Basin; and UN assistance in the administration of South Vietnam. On the economic side, the US would ask the UN to implement a “development program”¹⁹ for the Mekong River Basin, possibly with DRV participation. In addition, the US would support the establishment of an Asian development bank as a broader, more long-term solution (the former would eventually be solidified and officially presented to North Vietnam in a speech President Johnson gave at Johns Hopkins University on 7 April 1965). Finally, the US would also ask for a cessation of any activities that (only) undermined the development of the above programs.

The US would continue present activities, but only until the above arrangements were met. To sweeten the proposal, the US would offer to reduce its military involvement in South Vietnam in proportion to the improvement of the South Vietnamese situation. As Robert Johnson put it, the US would seek a “lowest common denominator,” or least threatening approach to the UN’s involvement to avoid ruffling too many feathers.²⁰

¹⁷ Ibid., 6.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid., 7.

Johnson's speculated outcomes resembled that of the first scenario: not very promising. At best, the US could get a fact-finding mission initially approved, only to be vetoed by the Soviets. More ambitious proposals would unlikely be voted upon in the absence of any prospect of approval or implementation. If these proposals did fail in the Security Council, there would be pressure on the General Assembly to consider them or some other action. Once in the General Assembly, however, Johnson feared there would be "all sorts"²¹ of initiatives, including negotiations. Regardless, Johnson surmised the proposal for negotiations would probably fail to muster a simple majority.

Johnson's conclusion for this scenario was similar to that of the first. The most likely outcome would be an improvement in the American image at home and abroad but even minimal UN involvement would be unlikely. As a result, Johnson figured the US should focus more on explaining and educating the world on the limitations of the United Nations in dealing with the problem in Vietnam.

Despite this dismal conclusion, Johnson plodded onward to analyze a third scenario: the US would engage in overt attacks

²¹ Ibid.

against North Vietnam and ask for UN support.²² Johnson figured that, if American attacks were severe enough, UN consideration would be “inescapable.”²³ The US, therefore, should seize the initiative in bringing proposals to the UN in order to avoid playing the defendant, which would only encourage unfavorable UN action. By initiating proposals the US would meet its obligations to the Security Council under Article 51, which states, “nothing ... shall impair the inherent right of individual or collective self-defence [sic] if an armed attack occurs against a Member.... Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council....” The US would need to emphasize the DRV’s activities against the South and iterate that US actions would continue “as necessary”²⁴ until the DRV ceased hostilities or until international arrangements were in effect and could provide effective assurance of detection and counteraction (i.e. by means of a peacekeeping force) of hostilities. At this point, another structural flaw emerged in Johnson’s proposal. He quipped parenthetically, “we would, of

²² Although the US had already bombed North Vietnam in August of 1964, it was a retaliatory action following the Tonkin Gulf Incident. President Johnson had rejected a second and third retaliatory raid following the Vietcong’s attack on an air base at Bienhoa and the Brinks Hotel (which housed several US officers) in Saigon in late October and December respectively. The president would turn an about face in early 1965, however, with the approval of two bombing operations: Flaming Dart and Rolling Thunder in early and late February respectively. See Karnow 408, 681-2.

²³ Ibid., 8.

course, need to define more specifically what action we were demanding of the DRV.”²⁵ This was a leap in faith that his proposal was viable to begin with. By January of 1965 most DRV activities had been military in nature in Laos (and in the Tonkin Gulf) or insurgent by way of the Vietcong. If Johnson (or the US) was unable to decide ahead of time what the US should demand from the DRV in an international setting, then the US would clearly be unable to utilize the UN in regards to Vietnam. Johnson suggested a Security Council condemnation of DRV aggression coupled with a “broad endorsement” of the “measures taken by the RVN with U.S. support to defend itself against this aggression.”²⁶ In reality, any military “measure” against the DRV would be taken by the US with support of the RVN (not the other way around, as Johnson stated); the US had shed its adviser role by 1965. This flaw, like the previous ones, suggests Johnson was almost grasping at straws; his proposals had gone from hypothetical to implausible. With this proposal in particular, it seemed the US had no other choice but to be on the defensive, an unpopular position and one that the US would seek to avoid at all costs.

Due to the US’s preemptory role in this scenario, it would want to make specific proposals for UN action (to be addressed in

²⁵ Ibid.

the final, fourth scenario), even in “broad brush terms”²⁷ for the possibilities of constructive action in Southeast Asia once insurgency was halted. In other words, upon beating the DRV into submission, the US would be ready to implement development programs like the ones mentioned in the second scenario—similar to what the US did in Japan following the Second World War. Johnson’s counter proposals included UN pressure for a cease-fire and an international conference. Acceptance of the former would halt US action but would not solve the hostilities between the RVN and the Vietcong. Johnson concluded that the US would most certainly not receive endorsement for its case (overt attacks on North Vietnam) or action. This contradicted and all but negated the entire purpose of this scenario! Additionally, it alleviated any hope for a positive American image—a goal Johnson highlighted in the other scenarios. The pressure for a cease-fire or an international conference could be counted upon, but the US could utilize its veto and thus maintain an image of strength and primacy.

If the US escaped unscathed from any Security Council decision, the nature of American actions in North Vietnam would most certainly provoke discussion in the General Assembly. Again, in an effort to avoid getting involved in Cold War

²⁵ Ibid.

superpower diplomacy, the decision to intervene would probably not muster a majority. In the unlikely event that intervention was to be approved by a 2/3 majority, the US should be prepared to agree to (as opposed to initiate or propose) the establishment of an international conference—only to debate “whether or not we intend to engage in serious negotiations.”²⁸ This convoluted plan—to agree to discuss further discussions or negotiate further negotiations—had both a strategic and diplomatic purpose. Once outside of the UN and in an “un-sponsored” international conference, the US could stymie any solution other than total defeat and surrender of the DRV. There were fewer repercussions in this environment because the format and conclusions were somewhat less official and less binding.

Johnson’s probable outcome for the third scenario was less favorable than the previous two. Continued American attacks on North Vietnam would keep pressure on the UN (primarily the General Assembly where there is no veto) to push for a cease-fire and/or negotiations. If the General Assembly failed in this pursuit a first time, there likely would be continued efforts until a resolution was passed. This suspicion confirmed the need for “anticipatory acceptance” on the part of the US in regards to a

²⁶ Ibid.

conference. Johnson warned, however, that any negotiating the US involved itself in was likely to strain relations between the US and RVN (again, to the South Vietnamese, negotiations suggested compromise and compromise sealed their fate). Even though a cease-fire and/or international negotiations were more preferable than any Security Council action, the US wanted to avoid them just the same. Why? The US would be forced to confront the 1954 Geneva Conference decisions, the last international conference and cease-fire involving Southeast Asia. The Americans feared new pressure for nation-wide elections—a decision reached in 1954 but never carried out—believing that Ho Chi Minh would win handily. After investing so heavily in South Vietnamese nation building, this was a gamble the US was unwilling to make. This consideration raised an interesting dilemma, for the US now had two major problems: it was supporting a weak and unpopular government in the South and combating an aggressive military power in the North. Neither could be ignored, yet each required the administration's full and undivided attention.

In the final scenario—the US would engage in overt attacks upon the DRV and ask for UN assistance or intervention—it became evident Johnson had exhausted his options. Again, this

²⁷ Ibid.

reiterated the hopelessness of any UN solution. For proposals, the US would probably ask for "international policing mechanisms." Until such mechanisms were emplaced, the US could justify its actions and continue them. It was expected the Security Council would call for a cease-fire or negotiations. Although the above US proposals suggested a willingness to negotiate(!), said proposals would be unacceptable to the Communists. With this in mind, Johnson speculated that the US proposals would improve the impression about American objectives both at home and abroad. Again, Johnson saw the futility in negotiating: RVN and Thailand would see it as "window-dressing" for an American withdrawal. But if US attacks continued and no UN involvement resulted, US proposals would be seen increasingly as a "façade" to put American actions "in a better light."²⁹ This scenario was another unfavorable one that presented a "lose-lose" situation.

Johnson concluded his paper with his recommendation. As long as diplomacy was to occur only within the UN, the third scenario—the US would engage in overt attacks against North Vietnam and ask for UN endorsement—would be the most probable outcome. The Soviet veto would reign in the Security Council, but mounting pressure would push the debate into the

²⁹ Ibid., 9.

General Assembly where there would most likely be a call for cease-fire negotiations. “Anticipatory acceptance” of negotiations would appease the world body and lead to the establishment of a fact-finding mission.³⁰ This outcome was preferred because it served two goals: it empowered the UN, leading it to believe it was making a difference in Vietnam, and it silenced critics of American policy in Vietnam. Would the Communists ever be willing to negotiate? Johnson envisioned the possibility if the US refused a cease-fire and simply overwhelmed the DRV with attacks (i.e. “bomb them back into the Stone Age”) but promised a cessation of bombing upon UN intervention. Johnson questioned the outcome. This option would be less attractive to the US than if negotiations could be conducted without a cease-fire. Once again, the superpower mentality—if the US were to negotiate, it would have to be on its terms (i.e. in conjunction with hostilities)—prevailed. In 1965, *détente* was unacceptable to the US.

Johnson’s first paper was an exploration of options the US could pursue in the UN. The outcome of his research was less than promising, although it was evident the US could still essentially dictate what happened in the UN. Johnson’s second paper, “The Pros and Cons of Taking the Vietnam (or Southeast Asia) Problem

²⁹ *Ibid.*, 11.

to the UN,” followed a similar path. It was written the following day, 13 January, so Johnson was most likely in the same frame of mind. In this paper, Johnson weighed the advantages and disadvantages of involving the UN in American military ventures in Southeast Asia. His arguments against UN intervention outnumbered the arguments for intervention by 9 to 5.

Johnson’s list of the advantages (of taking the Vietnam problem to the UN) was similar to the probable outcomes in his scenarios: hopeful at best. Johnson saw these benefits: UN attention would publicize DRV and PRC support and direction of aggression against South Vietnam and Laos, but this was entirely dependent upon whether the US was able to present enough evidence. Second, Johnson reasoned the US would fulfill its obligation under Article 51 of the UN Charter by bringing to the attention of the Security Council DRV “threats to the peace” in South Vietnam and Laos and our defensive measures to meet this “armed attack.” Furthermore, the US could justify its current and future actions (i.e. bombing): “we could have made a showing of having exhausted that avenue to a solution.” ³¹

Another advantage was an improvement in the impression the world had of the US. By publicizing its purposes in South

³⁰ Ibid.

Vietnam and Southeast Asia and calling for UN peacekeeping and/or UN-sponsored development programs, international critics of US policy in this region would be silenced. This was little more than a false hope: all parties knew there was no likelihood of UN peacekeeping or development programs getting authorized by the UN (for reasons stated above—Soviet opposition, UN resistance to Cold War politics, etc.). UN consideration would also distract critics' calls for a Geneva-style international conference where the US would have to answer for its violations of the 1954 Geneva Conference. An international conference outside the UN would present fewer problems. Johnson did not elaborate on these "problems," but he likely was referring to the official, more binding nature of an UN decision. Last, if the US were to attack North Vietnam, it would be advantageous to the US to take this news to the UN to justify its actions and thus avoid considerable public outcry. The US would have adhered to its obligations under Article 51 to report "individual or collective self defense."

If Johnson's list of advantages seemed unclear, repetitive (i.e. specific points sounding oddly similar), and/or overall unconvincing, it was because his arguments were ambiguous and futile. It is nearly impossible to gauge his motivation. He seemed

³¹ United States Department of State, "The Pros and Cons of Taking the

optimistic and hopeful at times, cynical and doubtful at other times, emblematic of the futility in finding an overall solution to the Vietnam War. The tragedy lies in the fact that it was only 1965; the war was just beginning.

Johnson's list of the disadvantages of bringing the Vietnam problem to the UN was, unfortunately, superior in clarity and argument. He concluded that the outcome of any public debate in the UN regarding who was responsible for the situation in South Vietnam and Southeast Asia would be inconclusive. Second, there was little evidence of Chinese involvement in the DRV's efforts, other than their statements of political support. Johnson was also confident that the UN would be unlikely to get involved for a variety of reasons: the Communists' (DRV, PRC and USSR) opposition; the likelihood of a Soviet veto to any proposal; U Thant's opposition; a consensus that UN involvement would be ineffective in dealing with the major elements of the problem (a political problem with too many interested parties, all unwilling to initiate negotiations); a general reluctance to have the UN dragged into a Cold War confrontation which could damage the organization; and finally, the understanding that financing a UN peacekeeping force presented an enormous problem.

Johnson's views on the effect of a peacekeeping force have already been discussed. Johnson felt the UN would neither endorse US actions nor condemn communist actions in Vietnam. Any UN role would neither impede communist aggression nor produce useful recommendations. Johnson added that any UN action would only interfere with current US actions! If the UN were to attack North Vietnam, pressure for a cease-fire would pass from the Security Council to the General Assembly and would halt US actions but would not resolve hostilities between the RVN and the Vietcong. UN debate would also increase pressure for the admission of the PRC to the UN. This pressure would increase on a scale proportional to the level of UN involvement proposed by the US. Additionally, any UN debate would have to include the PRC and the DRV, both of whom would be unwilling to attend. Last, the current morale in South Vietnam, Thailand and other Asian allies was high due to US involvement in South Vietnam. If there were any sign that the US was hoping to dump the Vietnam problem on the UN's lap, it would be perceived as an effort to reduce American involvement in Southeast Asia and would create serious morale problems and difficulties in US relations with these countries. The latter was the ninth but apparently not the last disadvantage. In Johnson's draft there was a handwritten "10" but

it had been erased. Next to it was an additional point: Cambodia would be unlikely to cooperate with any UN activity. It is unclear why Johnson did not make this a specific, separate point. Perhaps he felt it could be included in his last point. Perhaps he did not want the number of disadvantages to double the number of advantages. Whatever the reason, Johnson left little doubt that the opportunities for involving the UN in Vietnam were slim and unpromising.

Robert Johnson was not the only State Department policy planner asked to explore a UN solution to the Vietnam “problem.” Evelyn S. Colbert, a staff member of the Office of Research and Analysis for Far Eastern Affairs, Southeast Asia Division, also submitted a paper: “Limitations on UN Action with Respect to South Vietnam.” Her paper, like Johnson’s, was drafted on 13 January, but her tone and outlook were decidedly more acerbic and pessimistic. She alluded to Johnson’s paper (she had received a carbon copy of his letter and two papers) as an “oversimplification;” it was too abstract. Colbert argued for a more practical and useful approach—outline the “general considerations that must limit our expectations with respect to the tactical reasons we might have for pursuing one or another of the

courses open to us.”³² Colbert’s expectations were certainly more limited. She brought a no-nonsense attitude that revealed a very gloomy prospect for a UN role in Vietnam. She was concise in her thoughts and argument. Her solemn conclusions were presented in outline form but her message remained clear: “a UN Role in pacification would be impossible.”³³ Further, “there would be suspicion that the US was seeking to use the UN to cut its own losses as an alternative to taking other steps to end the war.”³⁴ Her tone and message verged on disrespectful, a mood her colleague (Johnson) avoided, although their conclusions were similar. Colbert summed up her thoughts quite emphatically: “only a Grand Design offering the immediate prospect of the complete withdrawal of US forces and probably also a settlement of the Chirep [Chinese Communist representation in the UN] issue to their satisfaction would be likely to alter this attitude[.]”³⁵ Colbert’s reference to a “Grand Design” suggested a magic solution, but clearly no such solution would be found in the UN.

What effect did Johnson’s and Colbert’s research have on William Bundy? There is no evidence that Bundy responded; nor did he ask for clarification or for more research. One can only

³² United States Department of State, “Limitations on UN Action with Respect to South Vietnam,” 13 January 1965, I.

³³ Ibid.

³⁴ Ibid.

assume their recommendations did one of two things: they convinced Bundy that an effective UN solution was impossible or Bundy used the research to convince President Johnson and the Wise Men that involving the UN was a possibility but to no avail. After careful study of declassified State Department documents and President Johnson's official Vietnam correspondence, there was only sporadic mention of taking the Vietnam problem to the UN.

The following year, 1966, the State Department would take a different approach. The defensive stance closely resembled that which the United States had taken in 1964. Leonard C. Meeker, the State Department's Legal Adviser, prepared a paper that looked primarily at the legal questions involving the United States in Vietnam. In a paper titled "The Legality of United States Participation in the Defense of Viet-Nam," Meeker sought to justify the United States' involvement in the Vietnam War (this paper was also submitted to the Senate Foreign Relations Committee on 8 March 1966).

Meeker referred often to international law and Article 51 of the United Nations Charter in his defense of US involvement. He also briefly addressed the issue of the UN's jurisdiction in a

³⁵ Ibid.

problem that did not involve UN Members. He argued that no nation, regardless of its status within the UN, was excluded from the right of self-defense against armed attack.³⁶ In a footnote, Meeker addressed UN jurisdiction in a non-Member dispute: "it should be recognized that much of the substantive law of the [United Nations] charter has become part of the general law of nations through a very wide acceptance by nations the world over. This is particularly true of the charter provisions bearing on the use of force."³⁷

Although his argument to the latter is far from convincing (the goal of his paper was to justify US military involvement in Vietnam), it suggested with some clarity that the United Nations and its goals were representative of most nations' charters, constitutions, and/or goals. If this were so, and there is little evidence to suggest the contrary, then the UN's involvement in Vietnam would be for the benefit of all parties, Member or non-Member.

The United States had what it was looking for: a legal justification to intervene in Vietnam and an indirect UN authorization to do so. The DRV's and China's argument that the

³⁶ Leonard C. Meeker, "The Legality of United States Participation in the Defense of Viet-Nam," *American Journal of International Law*, Vol. 60, no. 3, July 1966, (Lancaster, (PA): 1966), 567.

³⁷ Ibid.

United Nations had no jurisdiction in Vietnam could be discounted. Why the United Nations did not see this argument (or, if they did, why they did not act upon it) remains a mystery.

Chapter 7

Adlai Stevenson

The role the UN plays in American foreign policy makes for fascinating study. The UN is the world's embassy where every ambassador not only serves his/her country but also the mission of the UN. As a result, a delegate's job at the UN is unlike any other. The US mission at the UN is, of course, an extension of the State Department. American delegates at the UN have a responsibility to relay US aims in the international arena. In addition, the American delegation must represent the US and defend its aims when other delegates challenge those aims. US delegates are not just under the scrutiny of a host country, as in regular embassies, but under the entire world's watchful and judgmental eye.

The head of the American delegation, the Chief of Mission, occupies one of the "hottest" seats in the UN. Unlike other ambassadorships, where the appointed official is seldom more than a figurehead—a presidential token of thanks for years of support and bureaucratic service—the Chief of Mission is a Cabinet position. Although the Chief of Mission (like all other ambassadors) officially reports to the Under Secretary of State, the

prestige of sitting on the Cabinet all but nullifies this protocol. The Chief of Mission is essentially on equal footing with the Secretary of State. It is no coincidence then that many UN ambassadors were prominent American figures before their appointments: governors, US Representatives and Senators, presidential candidates, and even a Supreme Court Justice and a Secretary of State.¹ Many would go on to further prominence: George Bush became Director of the CIA, US Vice President and eventually President. Bill Richardson was appointed Secretary of Energy under the Clinton administration. Following her tenure at the UN, Madeleine Albright became the first-ever female Secretary of State (also in the Clinton administration).

During Johnson's terms, the UN saw two of the most prestigious Chiefs of Mission in its 55-year history. This fact, however, produced mixed results. The UN ambassador's role during the Vietnam War lost much of its integrity—not only within the UN, but also within the White House.

International relations professor Seymour Maxwell Finger, a career diplomat—including fifteen years at the UN, believes this was the exception rather than the rule. He believes many prominent figures at the UN have had major influence in American

¹ It should be noted that President Truman appointed as delegates—not Chiefs of

foreign policy. Finger joins former Undersecretary of State and Chief of Mission George Ball in arguing that the nature of the American government—an enormous, impersonal bureaucracy—encourages people to look to a select few to make big decisions. The growing complexity of issues the US faces only fuels this dependency. Lyndon Johnson’s relationship with his inner circle—the “Wise Men.”—is a perfect example. The president can make only so many decisions without seeking external advice and recommendations. That is why most leaders surround themselves with gifted, intelligent and loyal people who are experts in specific areas.²

One would assume that a UN ambassador would be consulted when policies regarding the UN arose. Amazingly, this was seldom the case during the Vietnam War. First, policy decisions were made in Washington and the UN was (and still is) in New York. As Johnson relied more heavily on the inner circle—people like Bundy, McNamara and Rusk—Deputy Ambassador and later Chief Ambassador under Richard Nixon Charles Yost observed, “the man from out of town is always

Mission—such notable figures as Senator Arthur Vandenberg, Eleanor Roosevelt and General George C. Marshall.

² Finger, xiv-xv.

wrong.”³ Adlai Stevenson, Chief of Mission at the UN, was such a “man from out of town.”

Like his successor, Arthur Goldberg, Stevenson held many exalted political positions throughout his career. Stevenson was a lawyer, a statesman, and an accomplished Democratic Party stalwart. Politics and public service were in his blood. His grandfather was Grover Cleveland’s Vice President (beginning in 1892) and William Jennings Bryan’s running mate in 1900. Adlai’s own father was active in state politics, including a stint as campaign manager for Secretary of Agriculture David Houston and a run for Secretary of State of Illinois. Following in familiar footsteps, Adlai was elected Governor of Illinois in 1948 (only the third Democrat to hold the post since the Civil War). After reluctantly accepting the Democratic Party nomination for President (while still Governor) and eventually losing to Dwight Eisenhower in consecutive elections (1952 and 1956), Stevenson remained in the public eye, attacking Ike’s foreign policy and his tolerance of McCarthyism.⁴

Above all else, Adlai Stevenson had a passion for foreign affairs. He first visited Europe at age 11 and it left a lasting

³ Porter McKeever, *Adlai Stevenson: His Life and Legacy*. (New York: William Morrow, 1989), 541.

impression.⁵ He returned two more times in his early 20s. His interest in world affairs grew while working for the Navy Department's Secretary, Colonel Frank Knox. As Special Assistant and Counsel during the Second World War, Stevenson's job led him on various assignments all over the world, including both the Pacific and European theaters of the war. When President Roosevelt opted not to promote Stevenson to Assistant Secretary of the Navy (following Knox's death), he resigned. In February of 1945, the foreign affairs fan joined the State Department. This is noteworthy in that it marked Stevenson's first involvement with the UN. He attended the San Francisco Conference, served under Edward Stettinius on the Preparatory Commission in London, and was a delegate to the US Mission at the UN for two different stints in 1946 and 1947.

Stevenson's career—his life in fact—was marked by one significant failing: indecision. Stevenson wavered on nearly everything. He had had a taste of law, politics and diplomacy and never really left one to pursue another. Stevenson earned a reputation as a charismatic politician who enjoyed the high life and the spotlight but was seldom firm or convincing on important

⁴ Adlai E. Stevenson, *Adlai Stevenson's Public Years*. Edited by Jill Kneerim. (New York: Grossman Publishers, 1966), 9, 73.

⁵ Jeff Broadwater, *Adlai Stevenson and American Politics: The Odyssey of a Cold Warrior Liberal*. (New York: Twayne Publishers, 1994), 5.

issues. Stevenson biographer Jeff Broadwater speculates that his indecision was a result of his perfectionist tendencies. One famous example is Stevenson's penchant for fiddling with his speeches—to the extent that he would circle overhead in an airplane wrestling with one sentence while his audience waited below. Broadwater argues that Stevenson always knew what he wanted, but his insistence on getting it on his own terms inhibited his success. His personality was a mixture of arrogance, insecurity, ambition, and anxiety. This, Broadwater concludes, led Stevenson to seek conventional ends by the most indirect of routes.⁶ One element that was constant throughout his career was his firm stance on anti-communism: Stevenson was through and through a Cold War soldier. He supported containment and his distrust of the Soviets was well known: he was far from the "soft" on communism stigma being charged to Democrats. His meandering certainties in all other things hurt his advancement throughout his political career. The positions he dearly sought went to more promising (although not necessarily more deserving) men. His political career—and

⁶ Broadwater, p. xv. Fellow historian, Richard Walton, surmises Stevenson's indecision was due to his compassion for people. Unlike Kennedy and Johnson who aspired to be historical figures and viewed people as either aides or obstacles to their respective successes, Stevenson would stall when confronted with agonizing decisions that inevitably disappointed someone. See also Richard J. Walton, *The Remnants of Power: The Tragic Last Years of Adlai Stevenson*, (New York: Coward-McCann, 1968), 7-8.

because politics defined him, his life in general—was marked by loss and frustration despite the prestigious positions he held.⁷

Having failed to receive the presidential nomination in 1960, Stevenson opted to campaign for John F. Kennedy.⁸ Upon Kennedy's election, Stevenson made it widely known that he wanted the Secretary of State job. Again, he was passed over. He was "shocked and disappointed" at the offer of UN ambassador but grudgingly accepted the "errand boy's job" because "I don't think I could stand it just sitting out in Libertyville [his Chicago suburb home] writing a book."⁹ Before accepting, however, Stevenson negotiated a number of conditions. He wanted control over the selection of his staff, three ambassador-level deputies, a cabinet ranking, and the opportunity to attend all National Security Council meetings. Kennedy agreed to these, but refused Stevenson's demands that the UN become the "center of our

⁷ Richard Walton, a veteran of the United Nations Press Corp, offers a different explanation for Stevenson's indecisiveness. In *The Remnants of Power: The Tragic Last Years of Adlai Stevenson*, Walton cites Stevenson's respect and admiration of man as a human being, not as an inanimate aid or hindrance to political gain, as Kennedy and Johnson did. This significant difference often plagued Stevenson when forced to make a decision that would hurt a person's feelings and jeopardized his/her integrity. See Walton, *The Remnants of Power*, 7-8.

⁸ Despite the fact that the 1960 election was the closest in history (Kennedy defeated Nixon by fewer than 120,000 votes) Stevenson's influence unquestionably helped Kennedy's campaign. The latter invoked much of Stevenson's rhetoric from his previous campaigns. Further, it was Stevenson who promoted the televised debate concept. The Kennedy-Nixon debate, of course, remains arguably the most famous debate in history. See Broadwater, 191-2.

⁹ Broadwater, 194.

foreign policy” and its ambassador “in the mainstream of policy making.”¹⁰ Stevenson’s influence, although in a less favorable position, was evident.

An impressive and well-established career in politics understandably made Stevenson proud of his accomplishments and naturally outspoken. Once at the UN, this tended to be more of a detriment than an advantage. His oft-publicized differences with Kennedy set the stage for his isolation from American foreign policy. His alienation culminated with the Cuban Missile Crisis. When Executive Committee (ExComm) members were considering military escalation, Stevenson suggested closing American bases in Guantanamo Bay, Turkey, and Italy in exchange for Soviet withdrawal from Cuba. The hawks in the administration cried bloody murder: “Adlai wanted a Munich.”¹¹ Attorney General Robert Kennedy warned his brother that Stevenson was “not strong enough or tough enough to be

¹⁰ Ibid.

¹¹ A reference to England’s Prime Minister Neville Chamberlain’s Munich Analogue—a conciliation of Czechoslovakia and the Sudetenland to appease Hitler and his lebensraum. The comment appeared in a Washington Post article and essentially sealed Stevenson’s fate within the Kennedy administration. The comment is undeserved. Again, Stevenson was a Cold warrior who feverishly resisted communist encroachment. Stevenson’s handling of Ambassador Zorin in the Security Council during the Cuban Missile Crisis was brilliant; their exchange (and Stevenson clearly had the upper hand) personifies Cold War tension. Stevenson would always differ from his peers in that he constantly sought a political and therefore peaceful solution to crises. See McKeever p526-536.

representing us at the UN at a time like this.”¹² Feeling unappreciated and useless, Stevenson considered resigning his UN post and returning to electoral politics. Kennedy, however, dissuaded him from doing so; Stevenson’s loyalty to the party had earned him a spot in the administration. Nonetheless, there was no denying that Stevenson had fallen from grace. George Ball confirms: “after the Cuban Missile Crisis, Adlai was only going through the motions.... From then on he knew he was not going to have an impact on foreign policy- which was what was most important to him.”¹³

Following President Kennedy’s assassination, Stevenson looked immediately for a more influential role in the White House. White House aide Arthur Schlesinger reportedly encountered Stevenson with “a smile on his face.” Further, his “glee at Kennedy’s murder could not be suppressed.”¹⁴ Kennedy’s successor, Lyndon Baines Johnson, gave Stevenson every indication that he (Stevenson) would have a more significant role in foreign policy planning. At Kennedy’s funeral, Johnson confided in Stevenson: “you know more about foreign policy than anyone in the [Democratic] party—you will be my man on foreign relations.” Later, Johnson reasserted his faith in his old friend:

¹² Broadwater, 209.

“you deal directly with me. I want your advice. You and I have been friends for thirty years and we are going to show these young people how to do things.”¹⁵

These assurances reinvigorated Stevenson’s enthusiasm for a more rewarding future in foreign affairs. Such hopes disintegrated quickly as it became evident that Johnson was more interested in and more influenced by the opinions of his inner circle. Why the change of heart in the new president? Perhaps Stevenson’s exile from foreign policy was more than just a punishment for the Cuban Missile Crisis experience. U Thant, another Johnson confidant, was privy to Johnson’s true impressions of Stevenson. According to Thant, Johnson saw Stevenson as having “no sense of correct judgment of public opinion: his evaluation of events, both domestic and foreign, usually turned out to be incorrect.” Additionally, Johnson saw Stevenson as “just an idealist with his head in the clouds.”¹⁶ Even Thant was aware of Stevenson’s role in foreign affairs, “it was obvious that his influence on the formulation of policy in Washington was minimal.”¹⁷

¹³ McKeever, 536.

¹⁴ Broadwater, 217.

¹⁵ McKeever, 540-1.

¹⁶ Finger, 125.

¹⁷ Thant, 65.

Although Stevenson agreed with Johnson and his Inner Circle regarding the need to prevent a communist takeover of South Vietnam. Stevenson was alone in his support of a negotiated settlement. Johnson's team believed a negotiated settlement was neither feasible nor desirable.¹⁸ Johnson seriously doubted the Security Council's effectiveness based on what he perceived as a general UN indifference to the Tonkin Gulf incident in August of 1964. Johnson's lack of faith in the ability of the UN to solve the problem in Vietnam was solidified by the fact that both the Soviets and the French opposed Security Council action in Vietnam. It is no surprise then, that in Washington, the UN was becoming irrelevant and even annoying.¹⁹

This realization impacted Stevenson and his enthusiasm for his job. "they used to say that if you worked in wartime Washington, you would get one of three things: galloping frustration, ulcers or a sense of humor. I guess I got them all...."²⁰ Although Stevenson was primarily in New York at the UN, he constantly struggled for a larger role in "wartime Washington." He was somewhat successful but he certainly wanted an even larger role in the decision making process. Stevenson's failure to do so, however, did not shake his belief that the UN could be

¹⁸ Ibid.

involved in, and even lead the way to, a peaceful solution to the Vietnam War. Stevenson still hoped that the UN could be “the center of our foreign policy.” Unfortunately for Stevenson and the countless people whose lives were devastated by the War, the UN would play no such role.

Nonetheless, Stevenson, like Senator Mike Mansfield, followed the Party line and publicly supported the Johnson administration’s decisions in Vietnam. Stevenson did see eye to eye with Johnson on several Vietnam issues, but he differed from Johnson in how the US should contain communism. Stevenson argued that the US should not “go it alone” in Vietnam: “our tactics in Vietnam have not generated widespread Asian support. How long will the American people be willing to carry almost the whole burden of containment in Asia?”²¹ This concern suggests a philosophy eventually known as “Vietnamization”—turning the tasks of repelling communism, nation building and winning the hearts and minds of the South Vietnamese over to the (South) Vietnamese themselves. Coined by President Nixon’s first Secretary of Defense Melvin Laird, Vietnamization would become official US policy in 1969 and applied (with miserable results) in

¹⁹ McKeever, 541.

²⁰ Stevenson, 12.

²¹ Broadwater, 222.

1971.²² Johnson was not ready to de-escalate, in spite of the efforts of Stevenson and Senator Mansfield, muffled by the din of McNamara's and Rusk's optimism that the US was on the right course.

Stevenson's indecisiveness has already been addressed. Further evidence of his paradoxical thinking is evidenced in his rationale for UN involvement. Stevenson opposed escalation and promoted a peaceful settlement. He could not, however, speculate where negotiations would lead, for he knew concessions, whether from the Americans, South Vietnamese or the communists, were unlikely. The concessions made during the 1954 Geneva Accords, were still in place but the Americans and South Vietnamese refused to recognize them. Another conference, Stevenson argued, was unnecessary. A new conference "would prove no more effective than the agreements we already have" and would not jibe with the parties who felt slighted in 1954—namely, the two Vietnams.²³ Stevenson wanted peace in Vietnam, but not through an all-out war (or, for that matter, military escalation) and not to the extent of withdrawal in the shadows of communist infiltration and influence.²⁴ With no viable scenarios (see, for example, Robert Johnson's State Department papers in Chapter Six).

²² Karnow, 593, 642-3.

Stevenson's arguments were inconclusive and his clamoring for peace fell on deaf ears.

Stevenson was on the outside looking in. As the "man from out of town," he was too often out of touch with the situation in Washington—a completely self-sustained and frenetic environment. Is Stevenson to blame for his alienation? Evidence of his indecisiveness and his political fidelity exonerate him: his loyalty to the Democratic Party was unquestionable. It can be argued, however he was in a position to speak out against the policies being followed, that he had an obligation to speak out against policies and administrative decisions in Vietnam. In *The Remnants of Power*, Richard Walton wisely speculates that Stevenson's training as a lawyer should have compelled him to recognize and argue that the US and South Vietnam, not North Vietnam, the traditional scapegoat, were responsible for violating the Geneva Accords. Regardless of the fact that the US did not sign the Accords, it should still be held accountable in large part for violating them. Nonetheless, Stevenson argued in the UN that North Vietnam was guilty of violating the Accords and of escalating the war. The fact that free elections are a fundamental American belief must have gnawed at Stevenson.

²³ Walton, 129.

Walton's argument assumes that Stevenson saw through the American tactics and ignores that even a skilled lawyer can be blinded by loyalty to a leader and a cause. Stevenson may have disagreed with administrative policies, but not enough to turn his back on his party; he was one of its most loyal servants. When pressured by friends to resign in protest, he resisted, "that's not the way the game is played."²⁵ If he resigned, he would have put himself in the forefront of an anti-war, anti-Johnson movement: his resignation could never be seen as anything other than protest, a message Stevenson adamantly refused to convey.²⁶

Stevenson is free from blame due to his loyalty and his aversion to make waves. Perhaps these characteristics that defined his style of leadership and decision-making prevented him from attaining the positions he sought and the success he desired (i.e. President or Secretary of State). While Walton explains Stevenson's shortcomings as a concern for wanting to make everyone happy, Broadwater recognizes that Stevenson's

²⁴ Broadwater, 222-3.

²⁵ Ibid., 224. This is not to suggest that Stevenson did not consider resigning. On the contrary, Stevenson oscillated constantly between resigning and remaining at the stagnant post during his two years at the UN under Lyndon Johnson. This seesawing reiterates Stevenson's problem with indecision. Stevenson's struggle with resignation was well known among his close friends and was even documented in a famous *Look Magazine* article, written by Stevenson's close friend Eric Severeid, from a discussion between the two just days before Stevenson's death. The question remains to this day as to whether or not Stevenson had really planned to resign in the summer of 1965.

²⁶ Ibid., 226. See also McKeever, 561.

reluctance to argue his views stemmed from a natural reserve and possibly a mild arrogance: his accomplishments and reputation were of such prominence that he should not have had to lobby his views.²⁷ Both theories are sound and, when combined, paint a vivid picture of a colorful and historic figure.

In hindsight, Stevenson's career was a tragic series of missed opportunities: two presidential elections, the Secretary of State position, and influence in foreign policy (most notably from the UN). At the UN, he was confined to defending American policies instead of formulating them. While Stevenson struggled with resigning and dreamed of a more active role in American politics and foreign policy, the US became more entrenched in Vietnam. Stevenson confided to a friend, "I'm getting sick of this place and this job and 'public life.' I don't like watersheds: I've had too many in life and now I'm on another one— blinded by the sunset and groping for the path down."²⁸ The "water shed," another tumultuous year in the UN struggling with the Vietnam War, was killing him and the setting sun—the hope for political negotiations—was elusive.

Despite the miserable environment in which Stevenson found himself so hopelessly trapped, one must put his UN career in

²⁷ Ibid., 198.

context. At the time of Stevenson's death in mid-July of 1965, the war was just getting under way. Rolling Thunder had just begun (in February) and the first combat troops (2 battalions—roughly 1300 men) had just landed in early March to defend the American airbase at Danang. In proportion to the overall war, few American lives had been lost. After Stevenson died American commitment increased dramatically. By mid-July, there were 18 combat battalions (roughly 11,500 troops) and a week after Stevenson was laid to rest, Johnson approved General Westmoreland's request for more troops and sent 44 additional battalions (roughly 28,000 troops). By the close of 1965, the US Army had engaged the North Vietnamese Army in the war's first conventional battle at Ia Drang Valley and almost 200,000 American troops were stationed in-country. Johnson suspended Rolling Thunder on Christmas Day to encourage the North Vietnamese to negotiate, but the American commitment was clearly on the rise and, after 1965, would become increasingly unpopular, controversial, and costly.²⁹

²⁸ McKeever, 558-9.

²⁹ Karnow, 682.

Chapter 8

Arthur Goldberg

When Adlai Stevenson died suddenly on 16 July 1965. President Johnson confronted another big problem that had no easy solution. Stevenson was an icon in American politics. His loss affected more than just his friends and family. His loss was felt across the nation and, because of his post as Chief of Mission to the UN, across the world. Former US Senator Daniel Patrick Moynihan commented on the severity of Stevenson's loss and how it would impact his replacement. "any normal, predictable appointment, because it would constitute such an elevation of the person involved, would inevitably have seemed to diminish the UN." The candidate would have to sacrifice "something of such unquestioned worth that the very act itself would assert the pre-eminent value reserved for the United Nations."¹ The man that fit this mold was Supreme Court Justice Arthur Goldberg.

Despite columnist Joseph Alsop's opinion that Goldberg was the worst appointment since Caligula appointed his horse as

¹ Arthur J. Goldberg, *The Defenses of Freedom: The Public Papers of Arthur J. Goldberg*, Edited by Daniel Patrick Moynihan. (New York: Harper & Row, 1966), vii.

consul.² the Supreme Court justice was an admirable replacement. His performance at the UN suggested the appointment was a stroke of genius. Like his predecessor Adlai Stevenson, Goldberg held many unique and prestigious posts throughout his career. Educated at Northwestern University, Goldberg began practicing law in Chicago. He served in the OSS during the Second World War, as special counsel to the newly merged AFL-CIO, and practiced law in the private sector in Washington, D.C. and Chicago. Due to his longtime affiliation with the Democratic Party and his work with the AFL-CIO and the Steelworkers Union, he was appointed Secretary of Labor in 1961. The following year he was appointed and unanimously confirmed to the Supreme Court.

Just two days after Stevenson died, President Johnson asked Justice Goldberg to step down from his lofty position of Associate Supreme Court Justice—a considerable step down—and fill the vacancy in the UN. Goldberg accepted, “as one simply must.”³ Despite any speculation to the contrary (based upon his

² Lyndon B. Johnson, *Lyndon B. Johnson's Vietnam Papers*, 253.

³ Goldberg, xv. Johnson recalled in *The Vantage Point* that Goldberg was eager to step down because he was bored with the Supreme Court. Upon reading this, Goldberg became enraged. Although he speculated the rumor was started by Ambassador Kenneth Galbraith, Goldberg confronted the former president: “I was infuriated because I had told him previously that this rumor was circulating around and I...said to him in the most emphatic terms, ‘I don’t ever want that repeated. I love the Supreme Court. I did it [accepted the USUN position] as a national duty.’” Arthur J. Goldberg, interview by Ted Gittinger, 23 March 1983, interview I, transcript, Internet copy. Arthur J. Goldberg Oral History, Lyndon Baines Johnson Library, Austin, TX, 1-2.

experiences with organized labor), Goldberg was a staunch anti-communist. His longstanding views regarding communism as a “dangerous international movement, incompatible with our democratic traditions”⁴ impressed Johnson and assuaged any fears that the United States would lose ground in the UN. Even so, Goldberg was a man of peace. At his appointment hearing, he stressed his ethical side and removed any doubt that his heart was in the right place: “all nations, large and small, and all peoples are to be treated with dignity, respect, fairness, and equality.”⁵ This trait followed him to the UN and symbolized his accomplishments there. The similarities in character between Adlai Stevenson and Arthur Goldberg are startling.

With such prestige and patriotic fervor, it was feasible that Goldberg could pave the way for the UN’s return to the forefront of US policy planning and executing. As with Goldberg’s predecessor, Johnson assured him he would play an integral part in shaping US policy. And again like Stevenson, Goldberg believed Johnson. It was the assurances that he could influence the decisions on the Vietnam War that convinced Goldberg to accept Johnson’s invitation.⁶ Unlike Stevenson, Goldberg was a jurist.

⁴ Goldberg, xiv.

⁵ *Ibid.*, xvii.

⁶ Arthur J. Goldberg, interview by Ted Gittinger, 23 March 1983, interview I, transcript, Internet copy. Arthur J. Goldberg Oral History, Lyndon Baines

not a politician. He was less concerned about partisanship or compromising in the name of progress and career ticket punching. He was not afraid to ruffle feathers, including those of the irascible Johnson. A confessed "person with strong convictions."⁷ Goldberg was well aware of the special position he had and the immunity that came with it:

I did not...regard myself to be an employee of the State Department. I was not. I was an ambassador appointed by the President. Ambassadors forget that they are. But career ambassadors, you know, their career depends upon advancement, so they do what the Secretary of State tells them to do. But I must say that Dean Rusk, whatever his views were, and he was on the hawkish side, he respected that. He never resented that I could pick up a telephone and call Johnson. And in turn he knew from White House memos that Johnson talked to me frequently....⁸

It was with this bold attitude, coupled with Johnson's promises, that Goldberg began his stint as US Ambassador to the UN. He was excited to get started because he saw the need for a drastic change in US policy in Vietnam. He did not agree with the direction in which the US was going; if it remained on its present course, the situation would hurtle out of control. He regarded Vietnam and Southeast Asia in general as a region devoid of

Johnson Library, Austin, TX, 1. In addition, Goldberg wanted to clear the air that, not only was he not bored with the Supreme Court, he also was not bullied into taking the UN position. "A president of the United States cannot twist the arm of a Supreme Court justice, even Lyndon Johnson." Gittinger interview, 1.

⁷ Ibid., 19.

⁸ Ibid., 3-4.

American national interest.⁹ As a result, he was adamantly opposed from the outset to increased US troop presence there. He urged complete withdrawal very early on, but concluded that Johnson was committed to stay in Vietnam and increase the American presence there. Had he known the administration's true goals before accepting the ambassadorship, Goldberg likely would have declined the offer.¹⁰

Goldberg, although worried by the increased American involvement, sympathized with the Joint Chiefs of Staff and the Pentagon, given the restraints and circumstances placed upon them. Goldberg had military experience—both in intelligence and security policy—and was familiar with the futility of fighting an opponent while constricted with limited objectives. In a 1983 interview, Goldberg remembered being confident that the Chinese would not intervene if the US invaded North Vietnam (sure enough, the Chinese waited for the Americans to withdraw before invading Vietnam in 1979). Although the NVA was able to wage war in large part due to Chinese assistance, Goldberg claimed the alliance was more of a Chinese effort to curb Soviet presence in the region.¹¹

⁹ Ibid., 2.

¹⁰ Ibid., 3.

¹¹ Ibid. The passage of time had perhaps blurred the ambassador's memory. His communications with Johnson in the Spring of 1966 completely contradict his

Goldberg did not want to win the war in Vietnam. He did not even want the US to fight it. Instead, he wanted to settle it, the goal that initially motivated him to accept the Chief of Mission post. The fact that this achievement—settling the War—eluded him in the three years he served undermined all of his impressive accomplishments in the UN.¹² Goldberg speculated that reconvening the Geneva Conference would have been helpful, but impossible as long as the Soviets—who were co-Chairmen of the Conference—honored the DRV's opposition to negotiating. That said, he was never sure whether his own government supported reconvening.¹³

Given that a new Geneva Conference was not possible, what role did he envision the UN playing in Vietnam? Like Thant, Goldberg did not think the UN could do much since only one of the parties to the dispute was actually a member of the organization. When asked about the work of U Thant in searching

confidence in a Chinese aversion to intervene. See David L. Stebenne, *Arthur J. Goldberg: New Deal Liberal*, (New York: Oxford University Press, 1996), 359-360.

¹² Goldberg's track record in the UN was truly staggering. He played an integral part in resolving the financial crisis that threatened the UN's very existence; he negotiated the cease-fire between India and Pakistan; the Six-Day Arab-Israeli War; resolved the USS *Pueblo* incident; and played an integral part in formulating a Mideast peace agreement, the Nuclear Non-Proliferation Treaty, and self-determination in Africa. Goldberg biographer David Stebenne argues that the ambassador waited until he had proven himself as a diplomat (by chalking up a number of successes) before turning his attention to persuading Johnson to rethink his Vietnam policy. See Stebenne, 357, 358, 360, 361-2.

¹³ *Ibid.*

for a peaceful outcome. Goldberg was polite but unimpressed. He thought the Secretary-General had the requisite passion but not the skills to be an effective statesman. Thant's naiveté regarding the complexity of the American situation persuaded the State Department and the President essentially to ignore him.¹⁴ As to whether Thant had masterminded a secret channel for the Americans with the DRV, Goldberg said, "no" Thant did not have "an in. We had all kinds of people who were in touch and who would say we've got the formula. I would check it out."¹⁵ The DRV, oddly enough, dealt frequently with the Hungarian delegation at the UN in the transmission of statements to and from the international organization. Goldberg was in constant communication with the Hungarian ambassador, Karoly Csatorday, but nothing ever came from it. "he told me 'not a chance.'" ¹⁶

If Adlai Stevenson could be accused of hyper-idealism (as Johnson saw it. Stevenson had his "head in the clouds"),¹⁷ then Arthur Goldberg was just as guilty of "hyper-realism." This comes, however, with a caveat. Like McNamara's *In Retrospect*, in which the former Secretary of Defense had several years and then an open forum to explain the decisions he made. Goldberg's

¹⁴ Ibid., 6.

¹⁵ Ibid., 7.

¹⁶ Ibid.

¹⁷ Finger, 125.

views and opinions have had time to develop—or fester. Much of the information in this study of Goldberg was acquired from an interview he gave to historian Ted Gittinger in March of 1983, almost 15 years after he resigned from his post. While he served, he was very much like Stevenson—a frustrated but loyal Cold Warrior who vocalized the policy he could not formulate. Goldberg, therefore, did not believe the US could gain any ground diplomatically in Vietnam, especially when the US used the bombing campaigns as a political weapon. In his interview with Gittinger, Goldberg not only doubted the possibility of reconvening the Geneva Conference, but he also questioned the likelihood of compromising with the DRV in any format. Despite the fact that the DRV finally accepted the offer to negotiate just days after Johnson announced his decision not to run for reelection, Goldberg saw through the North Vietnamese's mock sincerity, "whatever deal they [the DRV] made...would not hold up...they were going to take over the whole country."¹⁸ Prophecy or not, Goldberg perhaps understood his adversaries better than anyone in the State Department. But because his views were pessimistic and therefore unpopular, the War slogged forward.

¹⁸ Arthur J. Goldberg, interview by Ted Gittinger, 23 March 1983, interview I, transcript, 11.

Goldberg opposed the American bombing campaign on the grounds that it focused on industrial areas surrounded by non-combatants and therefore guaranteed an enormous loss of civilian life.¹⁹

Goldberg's outlook on diplomacy aptly describes his relationship with Johnson and their vastly different views and personalities.

In diplomacy one does not have friends, contrary to presidential statements when we meet at a summit conference. 'we have learned to be friends.' What the hell kind of friends can the President be with Khrushchev, Brezhnev or now Andropov? It's nonsensical to think that one does anything because all of a sudden personal friendship has developed. Every diplomat must look to the interests of his own country. There are no diplomatic friendships.²⁰

Goldberg was promised influence in the decisions regarding Vietnam and he expected Johnson to deliver. As with Adlai Stevenson, however, Johnson had no genuine intention of delivering. Goldberg learned this early on and his relationship with Johnson soured quickly. Also like Stevenson, Goldberg embarked upon a diplomatic career with an earnest, although

¹⁹ Ibid., 8. Further proof that Goldberg didn't back down against the President: he told Johnson "you can't do that [bomb North Vietnam]." Upset by Goldberg's insubordination in front of key NSC members, the President snarled back in protest, "I'm President of the United States and of course I can do it." Goldberg, in like fashion, quipped, "I made a mistake. You mustn't do it." (Ibid.) Goldberg insisted that even a partial bombing campaign, focusing exclusively on military targets while still intertwined with suspensions, would prove ineffective because it prevented any chance of negotiations and made troop withdrawal more unlikely. (Ibid.)

optimistic sense of duty. His experiences with Johnson, especially as they pertained to Vietnam, left him cynical and bitter: the two men simply did not see eye-to-eye. Johnson once complained to Goldberg, “every time I want to do anything, you give me 14 reasons against it.” True to his nature, Goldberg replied, “when you are considering an ill-advised course, it’s my duty to tell you, whether you like to hear it or not.”²¹ This exchange between the President and his appointee sums up their relationship perfectly.

Goldberg was by far the most outspoken—if not the only outspoken—opponent of the United States’ Vietnam policy *inside* the administration. Traditionally, Undersecretary of State George Ball has held this claim to fame. Although Ball did question his administration’s Vietnam policy, he was asked by Johnson to assume the role of devil’s advocate in all policy debates.²² By the spring of 1966, Goldberg was comfortable in pressing Johnson to reconsider escalating. In a twist of irony, this respectful urging escalated to a boiling point and exploded one day in a furious argument that marked the beginning of the end of Goldberg’s influence in the administration. His public dissent at two NSC meetings that summer sealed his fate. The fact that Goldberg—at

²⁰ Ibid. 10.

²¹ Stebenne, 368.

the time—really only opposed escalation (as opposed to arguing for withdrawal) and the bombing campaign which was inherently tied to it makes his fall from grace all the more difficult to accept. Although he never rescinded, apologized for or regretted any of his objections or views, Goldberg softened his arguments, both in frequency and intensity.²³ But, the damage to Johnson's ego was irreparable: Goldberg found himself in the same position as Stevenson two years earlier.

The second point indicates Goldberg's unique standing during the Vietnam War was that he used his position as an outsider to his benefit. This is most evident in the fact that Goldberg did not debate with Johnson as an attorney, cabinet member, or friend. Instead, Goldberg argued effectively from the standpoint of a liberal constituent. In essence, the liberals brought Johnson to the White House and, unless he modified his Vietnam policy, the liberals would ensure he was a one-term president. Additionally, unless the decision to escalate brought about a sudden end to the War, it not only threatened Chinese intervention, Goldberg warned, but it also threatened a more drastic shift in

²² Johnson had actually asked Goldberg first to take on this role, but the new ambassador declined, believing quite perceptively that his arguments would only be usurped if he were playing an assigned part. See Stebenne, 357.

²³ Stebenne, 364.

domestic support for the war.²⁴ Although he downplayed the military impact of the Tet Offensive, he acknowledged its effect on public opinion and the horrendous position in which it put the United States. The sight of the US embassy under siege in Saigon signaled to Goldberg that he would not be able to mediate peace in Vietnam. After the Tet Offensive and just weeks before his resignation, Goldberg solemnly notified the President that, with his Vietnam policy bent on escalation, "you have lost the consent of the governed."²⁵ He was right. Goldberg's advocacy of an increasingly dissenting liberal constituency exasperated Johnson. He began to see that Goldberg's memorandums and dissensions were not the voice of one man with a vendetta but were the voice of dissension.²⁶ Goldberg distanced himself from his prior role of advocate of administration policy and became a torchbearer for moderation in Vietnam. If Goldberg failed to settle the War in the UN, he laid the foundation for doing it in the White House. He resigned his post at the UN the day after Johnson announced his own intention to leave the political arena.²⁷

Goldberg's criticism helped convince Johnson not to seek reelection for president. Goldberg represented a large portion of

²⁴ Ibid., 362.

²⁵ Arthur J. Goldberg, interview by Ted Gittinger, 23 March 1983, interview I, transcript, 4, Internet copy.

²⁶ Stebenne, 363.

Johnson's constituents as a concerned liberal. Influential bureaucrats who shared his pessimism were a cresting wave of dissent bearing down on Johnson and pressuring him to change. This included, but was not limited to: Senator William Fulbright, the Chairman of the Foreign Relations Committee; Senator Mike Mansfield, Senate Majority Leader; Senator Wayne Morse; and Senator George McGovern. Dissension also came from more unlikely sources: former Secretary of State Dean Acheson (who established SEATO and convinced Truman to aid the French in Vietnam in the 1950s) and retired General Matthew Ridgway, the Commander of US forces in the Korean War. If this was not enough, the antiwar protests were increasing in both frequency and volume and October of 1967 marked the shift in public opinion—thereafter opposition to the War surpassed support for it. Last, the March New Hampshire primary was nearly stolen by Eugene McCarthy, the liberal Senator from Minnesota.

Goldberg was too smart for his own good. He did his homework and spoke his mind and would not back down if he thought he was right. He ultimately out-bullied the bully. Johnson simply had no idea how to handle someone like Arthur Goldberg. Goldberg was sharp, like McNamara or Rusk; however, he

²⁷ Ibid., 11, 5.

opposed escalation and was ostracized. As long as Goldberg's views on US objectives in Vietnam differed from Johnson's, he would be regarded as a dissenter in the ranks.²⁸ When the administration opted for de-escalation, Goldberg did not gloat or look for an opportunity to say, "I told you so." Instead, he looked forward to preparing for the imminent negotiations. Johnson, however, had taken his exchanges with Goldberg personally. To slight the surprisingly successful UN Ambassador, Johnson announced in March of 1968 that Averill Harriman would be the administration's chief negotiator. Goldberg felt, and rightly so, that Johnson had lied to him and taken advantage of him. "I was being used about Vietnam; there can be no doubt."²⁹ Goldberg had had enough. He stayed on at the UN through June of 1968 only to finish off the General Assembly's session and the Nuclear Non-Proliferation Treaty.

Arthur Goldberg, not unlike Adlai Stevenson and his role as Chief of Mission, played the martyr. The heroic and ethical gentlemen who held this position during the Johnson administration were hamstrung by Johnson's distaste for dissenting opinions.

²⁸ Ibid., 21.

²⁹ Ibid., 12.

Chapter 9

Two Case Studies:

Korea and the Congo

On 25 June 1950, North Korean forces, supplied with Soviet equipment and weaponry, crossed the 38th Parallel—the line recognizing the border between North and South Korea—with the objective of toppling the nationalist government in the Republic of (South) Korea. The communist troops succeeded, deposing the autocrat Syngman Rhee and taking Seoul in just four days. The United States was notified of the invasion immediately and reacted in kind. The US made an appeal to the Security Council with a draft resolution that condemned North Korea for its breach of peace and called for a united front against the aggressors. The Security Council approved the resolution and officially condemned North Korea for its aggression and insisted the communist troops withdraw. Two days later, President Truman sent troops and air support—without Congressional approval—into South Korea to help repel the North Korean onslaught.¹ North Korea's failure to

¹ Jerald A. Combs, *The History of American Foreign Policy, Vol. 2, Since 1900*, with Arthur G. Combs. 2d ed. (New York: McGraw Hill, 1997), 341.

adhere to the Security Council's resolution prompted the US to submit another draft resolution on 27 June, which called for the first-ever UN military intervention to restore peace and security. Again, the Security Council approved the draft resolution and history was made. Security Council Resolution 1511 concluded urgent military measures were required to restore peace and security.

Having noted the appeal from the Republic of Korea to the United Nations for immediate and effective steps to secure peace and security.

Recommends that the Members of the United Nations furnish such assistance the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area [italics in original].²

UN Secretary General Trygve Le. who had regarded the invasion as a declaration of war against the UN.³ presented the Security Council resolution to the General Assembly and asked members for assistance. By the end of 1950, 39 member nations, including one non-member (Italy), and nine organizations (i.e. the World Health Organization, UNICEF, Red Cross, etc.) offered some form of support. Aid varied from troops and materiel to medicine, raw materials, and voluntary embargoes. In all, UN

² United Nations. *Yearbook of the United Nations. 1950*, (New York: Columbia University Press, 1951), 223-4.

³ Seymour Maxwell Finger, *Your Man at the UN: People, Politics, and Bureaucracy in Making Foreign Policy*, (New York: New York University Press, 1980), 57.

members supplied almost \$21million (in 1950 dollars) in materials, not including troops, naval vessels, or air squadrons.⁴ Although 90% of the ground troops who fought in Korea were either American or South Korean (the two countries also accounted for 93.4% of all naval forces and 99.6% of all air forces), sixteen additional nations provided ground troops.⁵ UN forces, led by General Douglas MacArthur, landed at Inchon in September, liberated Seoul, and crossed into North Korea. This prompted 300,000 Chinese “volunteer” forces to cross the Yalu River, the natural border separating North Korea and China, to assist the North Koreans. With these reinforcements, the communists pushed the UN forces back across the 38th parallel. The war seesawed in this fashion for another two and a half years until a truce was signed on 27 July 1953.

Amazingly, the Soviet Union did not factor into the UN-Korea equation because it was not present in the Security Council to stop (read: veto) any resolution. The Soviets had begun a boycott of the Security Council on 13 January 1950 in protest over the Council’s insistence to recognize Nationalist China over the People’s Republic of China (PRC). Not until 1 August 1950, when it became the Soviets turn to preside over the Security Council, did

⁴ United Nations, *Yearbook of the United Nations*, 1950, 226-8.

the USSR end its boycott.⁶ But in the meantime, North Korea had thrust itself into South Korea and the UN. Without Soviet opposition, the Security Council approved the Americans' draft resolutions and ultimately obliged US foreign policy.

With over 90% of allied forces waving an American or South Korean flag, it is questionable how significant a role the UN played in the war: the same conclusion would have resulted had the US and South Korea fought the war alone. The political consequences, however, were enormous. The UN played an integral part during the entire war. Just as important, the US never seriously considered an alternative to UN involvement.⁷ The Truman administration approached the UN just hours after the invasion and waged a three-year limited war primarily through General Assembly resolutions (where the Soviets still occupied a seat). This further supported American beliefs that the world was fighting aggression in Korea and, in turn, supporting American national security policy.⁸ Lastly, Chinese intervention in the Korean War sealed its fate in the United Nations: the US would

⁵ Finger, 58.

⁶ United Nations. *Yearbook of the United Nations*, 1950, 222.

⁷ Finger, 60-1.

⁸ *Ibid.*, 61.

block any resolution to recognize the PRC as the primary China for another twenty years.⁹

This is not to suggest the decision to intervene did not meet any opposition. On the contrary, the North Koreans cabled the UN on two occasions to argue the validity of the resolutions. The Security Council had acted twice without consulting North Korea and it questioned how binding a resolution could be without Soviet (or communist Chinese) participation.¹⁰ The Soviets also protested the resolutions in the General Assembly, arguing they had been approved with insufficient votes. Both the USSR and Poland accused the US and the Security Council of an “illegal use of the UN flag as a cloak for the United States operations in Korea.”¹¹

All in all, the story of the UN’s involvement in Korea is a story of success. The United Nations was utilized as its founders and the UN Charter had intended it to be used. The international organization was alerted and mobilized to curb aggression and fight for peace and security. The fact that peace, although cold,

⁹ Ibid., 63-4.

¹⁰ United Nations, *Yearbook of the United Nations*, 1950, 229.

¹¹ Ibid., 225. It is important to note that, although the Soviets were boycotting the Security Council at the outset of the Korean War, they were well aware of North Korea’s plans long before the first shot was fired. According to historian Jerald Combs, recently declassified Soviet documents reveal that Stalin consented to the invasion with Kim Il Sung’s prodding. Kim convinced Stalin by correctly surmising the South would fall before the US could intervene, although he purposely deceived Stalin in claiming the invasion would be aided and supported by a simultaneous uprising in the South against Syngman Rhee.

distant, and fragile (until very recently), has been maintained between the Koreas for almost fifty years, is testament to the value and potential of the United Nations.

The UN mission to the Congo from 1960-1964 marked another monumental event in UN history. For the first time in the organization's history, peacekeepers intervened in Africa. Further, they were called in to perform two distinct and perhaps contradictory acts: to promote peace but also to engage in battle in order to enforce or secure the peace. UN troops had been in a hostile environment before (Korea), but in the Congo, UN troops were fired upon—an unprecedented event in the organization's history.¹² This differed from the UN's experience in Korea in that UN troops in Korea were deployed to fight. In the Congo, UN troops were committed to mediate and secure peace. As a result, the UN's experience in the Congo would prove invaluable. In intervening, the UN thwarted disaster in several regards. For example, it displayed its ability to act outside of direct Western influence. It also appeared impervious to the Cold War super power soap opera—another coup in the organization's history. In

But Rhee's extermination of leftist opposition, combined with recent economic improvements, made such an uprising almost impossible. See, Combs, 342.

¹² Henry Wiseman, "The United Nations and International Peacekeeping: A Comparative Analysis." *The United Nations and the Maintenance of International Peace and Security*. Dordrecht (Neth.): Martinus Nijhoff Publishers, 1987, 277.

addition, the UN also flirted with financial ruin and, as a result, forced the organization to re-evaluate its own mortality in the postwar world. The results of the Congo mission made the UN, in large part, what it is today: a wholly benevolent organization but one that, despite its good intentions, can only do so much. A closer look at the UN Operation in the Congo (UNOC) will add some clarity.

What happened in the Congo, and the UN's role in search of a solution, is not as easy to tell as the circumstances involving Korea in the early 1950s. The Congo (known as Zaire from 1971-1997 and now formally recognized as the Democratic Republic of the Congo) was a Belgian colony for 75 years (from 1885-1960). The decolonization movement of the 1950s, for which the UN was a major catalyst, encouraged several empires to grant independence to many of their long-held colonies. As the Belgians observed French and British decolonization efforts, the Congolese pushed for an independent Congo. On 30 June 1960, the Congolese got their wish. Independence, however, would prove to be too drastic and sudden; the Belgians were as unprepared to relinquish control as the Congolese were to acquire it. The heart of the problem lay in the fact that the Belgians had done little to prepare the Congolese for independence. The

Belgians assumed independence would come slowly, allowing the Congolese to “grow into” self-sufficiency through an apprentice-type process. Although the Belgians haphazardly established a provisional government with parliamentary elections, when independence was awarded, the Congolese lacked the knowledge and experience for autonomy in contemporary Africa.¹³

Within days of their newly acquired independence, the Force Publique, Congo’s army-police force, mutinied (after having been denied their promotions). The mutiny led to rioting and violence, some of which was directed toward the Belgians who remained. Most of the latter fled for their lives, further dilapidating several already anemic services.¹⁴ In response, Belgium sent its own “paracommandos”¹⁵ into the Congo to restore order and protect the remaining Belgian citizens and their property—all without consulting the Congolese. Because the Belgian troops had not been requested, they were not welcome. With independence in jeopardy, Congo’s two leaders, Prime Minister Patrice Lumumba and President Joseph Kasavubu contacted both the US and the United Nations and requested military aid to help quell the mutiny. This signified a plea to the

¹³ Patil, 141.

¹⁴ Ibid., 142.

UN to resolve internal strife. The following day, 13 July, Lumumba and Kasavubu cabled the UN again but to amend their first request: now they wanted military aid to expel the Belgian troops—a plea to resolve an act of aggression. The conflicting requests made for a difficult task for the UN.

To make matters worse, the province richest in natural resources, Katanga, whose copper, cobalt, diamond, and tin resources accounted for one third to one half of the Congo's economy,¹⁶ announced its secession, led by Moïse Tshombe. Katanga contained one other valuable resource—more than 40,000 Belgians.¹⁷ In addition, Lumumba and Kasavubu split and looked to conflicting superpowers for support: Lumumba with the Soviets and Kasavubu with the Americans. In all, the UN was confronted with a slew of tasks: restore order, preserve the national economy, and reorganize internal security forces, in addition to settling territorial issues related to national self-determination and finding a government suitable for internal factions and external nations.¹⁸

Secretary-General Dag Hammarskjöld called an emergency meeting of the Security Council on 14 July and the Council

¹⁵ D. Katete Orwa, "Responses of the United Nations and the United States to the Congo Crisis: Events and Issues," Ph.D. diss., University of Akron, 1979, 87.

¹⁶ Combs, 387.

¹⁷ Orwa, 91.

¹⁸ *Ibid.*, 94-5.

adopted a resolution in favor of sending military assistance to Congo. The resolution passed 8-0 with both the US and the USSR supporting the resolution (Nationalist China, Britain, and France abstained). What resulted was the UN's largest and most complex operation to date. ONUC consisted of a force of 20,000 troops from 26 member states, the largest and most diverse UN force up to that time.¹⁹ These troops, when confronted with curbing a civil war, were authorized by the Security Council in 1961 to use force "if necessary, in the last resort."²⁰ In all, the mission would cost \$400 million.²¹ This astronomical cost almost bankrupted the UN, primarily due to the fact that both the Soviet Union and France refused to support the effort financially. Although the Soviets approved the resolution that created ONUC, they eventually opposed funding it when they learned of the pro-Western slant the operation was promoting. The Soviets also resented the liberties both Hammarskjöld and the General Assembly were taking in managing the operation.²² France, on the other hand, abstained from voting for ONUC and opposed its funding because it contrasted and conflicted with its pro-imperial attitude.²³ The US

¹⁹ Wiseman, 277.

²⁰ Orwa, 284.

²¹ Ibid., 277-8.

²² Ibid., 278.

²³ Ibid.

funded most of the operation, but received some assistance from twenty other member states.

ONUC remained in the Congo for four years. Whether or not the UN was successful in its mission there, or whether or not it achieved all of its goals, depends entirely on who does the evaluating. Most would agree that, because there were several objectives applied to several problems, the UN inevitably succeeded in some aspects, yet clearly failed in others. Upon the UN's withdrawal, Secretary-General U Thant confirmed that an extended mission in the Congo would prove unsuccessful: the problems that plagued the African nation were too numerous and complex. The Congolese would have to resume responsibility for their welfare and future.²⁴ The UN by no means left the Congo a better, more peaceful place. In the midst of political turmoil brought about by an aging and slow-to-withdraw imperial power, a superpower showdown developed. The US and the USSR clashed with the UN over objectives because of their differences in which political leader and movement to support. At the very least, the UN got involved in a political conflict and played a large part in removing an aggressor (Belgium). At best, the UN answered a

²⁴ Patil, 147.

nation's call to help and fared no worse than the two superpowers that had less than altruistic goals there.

In evaluating the UN's performance and success in Korea and the Congo, the report card varies. At first glance, the UN was far more productive and successful in Korea than it was in the Congo. But this compares apples to oranges: the two environments were quite different from one another. Once again, the UN was in Korea to fight alongside a largely US force whereas, in the Congo, the UN was out from behind the US Army's shadow and was forced to deal with political as well as police matters. Because the latter situation was more complex, the results were also more mixed. In either conflict, the UN participated—per its obligations as defined in the Charter—and succeeded on some levels. In Korea, the UN helped repel communist aggression and preserve the autonomy of South Korea. Once again, the fact that South Korea has survived almost 50 years with not one other incident of aggression validates the UN's mission there. Likewise, the UN was able to mediate and induce the Belgian withdrawal—also foreign aggression—from the Congo. Granted, the political situation continued to fester after the UN pulled out, but it festered without foreign interference, including potential meddling by the watchful superpowers.

These are just two examples, drawn from a list of several case studies in which the UN intervened in a nation or region in an effort to restore peace and security. What must be stressed is that the United Nations played an active role in international incidents that had unquestionable Cold War overtones. In Korea, the UN clearly supported a pro-Western stance. In the Congo, the UN supported freedom and safety, regardless of its political leanings. For this, the UN must be congratulated.

Overall, the United Nations succeeded in both of these events given the (primarily financial) parameters and restrictions they were forced to deal with. It is highly likely the UN could have made a difference in Vietnam. As a peaceful organization, it is motivated by securing peace and condemning foreign aggression. The UN did not have to enter Vietnam to fight. (i.e. secure peace) but there are several steps the UN could have taken in bringing peace to Vietnam.

UN involvement, even though it signified a cease-fire and a peaceful settlement, also denoted (and perhaps even promised) neutralization. It would be inconceivable for the UN to go into Vietnam without promoting natural self-determination and free elections. Free elections promoted peace, autonomy, and freedom, all goals of the UN as stated in Article 1 of the UN Charter. In

regard to any involvement with the two Vietnams, the UN would be fulfilling its goals, specifically, those mentioned in paragraph 2: “to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples....” This mission, however, contradicted US (and French) goals in Vietnam. The US did not want the two Vietnams to coexist. The US also doubted the legitimacy of any election that would allow the Vietnamese people to choose their own form of government: “self-determination of peoples” would be subject to insurgencies like propaganda, ballot tampering, bribery, extortion, and blackmail.

Consequently, with UN involvement unpopular and unlikely, (because of a certain Soviet or French veto), the US sought to maximize its military options. The Johnson administration would loosen the reins on its far superior and technologically advanced military on Vietnam—most notably with the controversial bombing of targets in North Vietnam. Despite the obvious paradox, Johnson would simultaneously seek a diplomatic solution. But in order to protect American integrity and South Vietnam’s morale, the search for peace would be a clandestine one. Johnson’s preference for a military solution.

however, would always preclude—thus overshadow—a political solution.

Chapter 10

Invoking the UN Charter

It is fairly evident that the UN Charter, like the US Constitution or the Bible, is wide open to interpretation. These documents were each written by a select group of men with a very distinct purpose: to establish goals which others may follow and abide by to survive in a world vulnerable to brutal and mass aggression. But these documents and others like them have been thoroughly scrutinized in countless, age-old debates in which their messages have been extensively interpreted and their authority defended or challenged. The arguments often posed and questions raised from such scrutiny and debate are extremely valid: how indeed do these documents apply or hold up today when they were written so long ago when attitudes, influences, and circumstances were so different? Do these documents have a place or voice in today's society, or should they be modified and updated? Lastly, just how closely should people follow the messages presented in these documents?

Differing interpretations of the UN Charter are largely responsible for the dilemma this paper analyzes and the reason for

the dilemma's complexity. The same problems exist for the 13-point declaration following the 1954 Geneva Conference on Peace in Indochina, which many argue to be the more relevant document between the two when exploring the UN's role during the Vietnam War. At the heart of the matter lies the debate of jurisdiction. The framers of the UN Charter were aware of this problem when they drafted the document in 1945. As a result, the problem is addressed in several articles throughout the Charter.

The 11 articles that make up Chapter VII are categorized as Security Council powers and limitations in terms of "action with respect to threats to the peace, breaches of the peace, and acts of aggression." The most controversial of these powers is stated in the infamous Article 51. The US interpreted this article to justify its militarism in Vietnam: "nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security." ¹ Of course, one will notice immediately that this power allotted to Members was only to be applied to aggressed Members and South Vietnam was not a Member.

It is natural to conclude that the UN Charter pertains only to its Members: if one is not a member of the Elks Lodge, one is not expected to follow the Elks charter. This is common sense, yet it ignores the mission of the UN, a much more prestigious and influential organization. If communist China, North and South Vietnam had been admitted to the UN, would they (primarily China and DRV) have permitted UN intervention? Probably not, although it is impossible to say for sure. With this in mind, it makes sense that the UN, by its very existence as an organization of peace and security, had the authorization, jurisdiction, and the obligation to intervene. The Elks Lodge does not have this authority, yet the Elks Lodge also does not have the international prestige or obligations that the UN does. Article 2, paragraph 6 reinforces this argument. It authorizes the UN to “ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.”

In reality, there are several articles in the UN Charter that authorize the UN, particularly the Security Council, to act, regardless of membership issues. Chapter V of the Charter lists and defines the Security Council’s specific powers. The

¹ Once again, the United Nations Charter can be seen in its entirety in Appendix

fundamental power of the organ specifically responsible for the maintenance of international peace and security is found in Article 24, paragraph 2: “the Security Council shall act in accordance with the Purposes and Principles of the United Nations.” The “purposes and principles” pertains to Chapter I of the Charter, which defines the fundamental purpose of the United Nations: to promote and defend peace and security, regardless of membership. The latter is addressed succinctly in Article 2, paragraph 6: “the Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.”

Chapter VI, “The Pacific Settlement of Disputes,” contains significant articles that authorize the Security Council to act. One such article is Article 34: “the Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.” There is no mention of membership restraints; the clause is simple and incontrovertible. Article 36, paragraph 1 is similar yet distinct in that it authorizes the Security Council to make recommendations

whether they are solicited or not. Lastly, Article 37, paragraph 2 states: "if the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate."

The list goes on but the lesson is clear: there are several articles under several chapters that authorize and obligate the General Assembly and the Security Council to observe, evaluate, supplement, and enforce international peace and security. So, although the Geneva Conference was all-inclusive in that it involved all the parties directly and indirectly involved in hostilities in Indochina, it does not have exclusivity in the maintenance of regional peace and security. And although the UN Charter, again like other landmark documents, is open to interpretation, the letter of the law leans heavily in favor of an interventionist United Nations. Yes, the language of the Charter, evidenced by the Preamble and the above articles, more than suggests that the UN has an enormous, benevolent responsibility in the world, whether nations are members or not. Every nation should recognize this and honor it. Sadly, so many of the parties involved in the Vietnam War either opposed or ignored this reality

and, to add insult to injury, the United Nations adhered to their wishes.

This is an about face, however, from previous, similar events in the UN's history. In an open letter to Security Council President Akira Matsui (of Japan) dated 1 February 1966, Ambassador Arthur J. Goldberg discussed this very issue before the Security Council. In short, Goldberg assured the Security Council that they had dealt with this issue before.² He referred specifically to the Security Council's involvement with South Africa—a non-Member—and the problem of apartheid. The fact that South Africa was not a UN Member did not deter the Security Council because, as Goldberg concluded, the problem “clearly fell within the scope of its [the Security Council's] responsibilities.”³ Even better, Goldberg reminded the Council that, although South Africa had refused to cooperate with the Security Council, the organ had refused to desist. Although South Africa is the only example Goldberg referenced, there are several others. The United Nations intervened in South Korea in 1951 when neither North nor South Korea were Members (both were admitted in 1991). And like the DRV, North Korea opposed the UN's consideration of intervening.

Other examples of UN peacekeeping operations in non-Member states include Indonesia in 1947 (admitted in 1950), and Namibia in 1978 (admitted in 1990). In Indonesia, the UN's impact was substantial. The Security Council authorized intervention, separated the warring parties, encouraged the central belligerent—the Dutch—to withdraw, mediated the peace, and saw the parties comply.⁴ The success the UN enjoyed in Indonesia exceeded its success in Korea. To balance the scale, it is fitting that the UN's limited success—and as a result, perceived failure—in the Congo garnered a similar result in Namibia. Unlike its experience in the Congo, where the UN managed Belgium's withdrawal but failed to forge a cease-fire (and withdrew while hostilities continued—but did not increase), the UN had little to no impact against the South Africans in Namibia. The UN failed to separate the warring parties, persuade a South African withdrawal, or get the parties to comply with a UN resolution.⁵ This conclusion, however, ignores the point: the UN intervened in states that, at the time of intervention, were not UN members.

² United States, *Department of State Bulletin*, Vol. LIV, No. 1390, 14 February 1966, (Washington (DC): United States Printing Office, 1966), 237.

³ Ibid.

⁴ Ernst B. Hass, "The Collective Management of International Conflict, 1945-1984," *The United Nations and the Maintenance of International Peace and Security*, (Dordrecht (Neth.): Martinus Nijhoff Publishers, 1987), 30-1.

⁵ Ibid.

So, genuine progress could have been made in the UN and peace could have been achieved in Vietnam. The United States perhaps came the closest to inciting progress in the UN. The US was very vocal in the UN and was the only nation/member who repeatedly expressed its desire for peace and for negotiations towards a peaceful settlement. The US tried to achieve these goals throughout the war, usually by way of secret negotiations, but to no avail. The Soviet Union, in its sponsorship of North Vietnam, insisted on a cessation of bombing and an American withdrawal as the only way to get to the conference table. Due to its success in the war and its Soviet and Chinese support, the DRV never had a serious interest in negotiating. Possibilities were explored but were unsuccessful. One thing remained clear: the Democratic Republic of Vietnam had no interest in a UN solution or a UN sponsored solution. The reason is similar to the American conclusion in 1964—UN involvement would surely lead to concessions. At worst, UN involvement meant more foreign troops in Vietnam. North Vietnam never doubted its mission or its chance at victory. Because no cost was too high—it was willing to fight for two years or twenty years or longer—it refused to negotiate and jeopardize its goal: a united and communist Vietnam.

With no hope for real, significant negotiations, the UN watched the participants become increasingly trapped in war. With Soviet and American insistence in supporting their respective causes—the Soviet defense of wars of national liberation and the American defense of non-communist governments—there seemed little chance of either superpower backing down in the confines of the Security Council. Because only one side (the US) was committing troops and hundreds of millions of dollars, the Soviets had little to lose in being uncooperative.

But again, the UN did not have to sit and watch the superpowers engage in their Cold War staring contest. Article 11 in the UN Charter, under Chapter III—the General Assembly composition—clearly gives the General Assembly the authority to discuss issues involving peace and security and it empowers the Assembly to make recommendations to the Security Council regarding peace and security. These recommendations can be interpreted both literally and figuratively. There is little mystery to the literal meaning. Figuratively, however, recommendations can amount to serious pressure from the General Assembly to provoke the Security Council to act. Specifically, paragraphs 2 and 3 of Article 11, suggest an influential role the General Assembly can

play in solidifying peace and security. Paragraph 2 allows the General Assembly to

discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations.... Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

In addition, paragraph 3 states “the General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.” Despite the Security Council’s powers and responsibilities, if the General Assembly could present the Council with severe reservations regarding the stalemate in Vietnam, the Council could be “encouraged” to consider intervening. Sadly, such a consideration of intervention was never seriously discussed or explored beyond American requests for the latter. Given the power of the General Assembly to act and influence the Security Council, this inaction signifies the ultimate missed opportunity. The history of the UN in regards to the Vietnam War, in fact, is a history of missed opportunities.

Chapter 11

1964

In spite of the fact that the peacekeeping operation in the Congo (as well as another taxing venture in the Middle East) had sparked a dangerous financial crisis that jeopardized the future of the UN in its present capacity, the organization's wheels rolled forwarded. It still had to maintain peace and security throughout the world, even if it was uncertain whether or not it could execute these commands in light of its near bankruptcy. On 10 July 1964, the Soviet representative submitted an extensive memorandum regarding the improvement of the UN's overall effectiveness in the area of maintaining international peace and security. He exhorted Members to cease violating the Charter, abolish Cold War prejudices and preconceptions throughout the UN, and to promote a UN that better favored cooperation among Members.¹ He also encouraged the UN to act more often and assertively in settling disputes peacefully (i.e. negotiations, good offices, and conciliation) as described in Chapter VI in the Charter. In addition, the Soviets advocated a more active UN if peaceful

¹ United Nations, *Yearbook of the United Nations, 1964*, (United Nations (NY): United Nations Office of Public Information, 1966), 15.

settlements were not possible. For example, the Security Council could adopt non-military enforcement measures (i.e. the interruption of economic relations, severance of diplomatic relations, etc.) in trouble spots to discourage further violence.

When the Security Council had to use force, as empowered in Article 42, the Council should do so only as a last resort. The Soviets reiterated their support for the current mechanism involved in committing forces; unanimity among the permanent Members assured there would be no unilateral commitment to improve one Member's standing/position in the world.² The United Kingdom supported the Soviet proposal, stating the means in which the UN could seek the peaceful settlement of disputes should be used more extensively (i.e. negotiations, mediation, conciliation).³ These steps could involve the International Court of Justice, the Permanent Court of Arbitration, and the UN overall.

Further discussions were held regarding the financing of any and all future Security Council peacekeeping operations. It was agreed that, at times, Members would have to help defray the costs involved in peacekeeping operations, even if those Members did not commit troops to the operation.⁴ The British delegation expressed its concern that no attention had been given to paying

² Ibid., 16.

for past peacekeeping operations whose costs were still in arrears.

In a joint effort with the United States, the United Kingdom

submitted a proposal for future peacekeeping operations and the

financing of such operations:

- (a) All peace-keeping proposals should be dealt with first by the Security Council and should be referred to the General Assembly only if the Security Council were to demonstrate that it was unable to act.
- (b) A peace-keeping finance committee, including all permanent members of the Security Council, would be established by the General Assembly.
- (c) The committee would consider a number of alternative schemes for the financing of peace-keeping operations, including possibly any special scale of payments that might be formulated by the 21-member Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations, and the General Assembly would arrange to act only on a recommendation from the committee passed by a two-thirds majority of its membership.⁵

In essence, the joint proposal gave the UN—both the General Assembly and the Security Council—more power and freedom to conduct its business in regards to peacekeeping and its financing. It is difficult to see the downside of this proposal from either side of the Iron Curtain.

Frustrated with the lack of progress, the US delegation, on 24 October, declared that the focus of the financial crisis should center on the Members who refused to pay. This very crisis and the tight-pursed Members involved seriously weakened the UN and a

⁵ Ibid.

solution needed the cooperation of all Members, not—as so many Members had called for—a compromise on certain, albeit relevant, fundamental issues between the US and the USSR. The US stated it would violate the Charter if it held the belief that the General Assembly had removed itself from future peacekeeping operations or the financing thereof. The United States had made strenuous efforts to “reach common ground” on these issues (initiating, conducting, and financing future peacekeeping operations without jeopardizing either the General Assembly’s or the Security Council’s rights and obligations or all those Members contributing to peacekeeping operations). The Soviets, however, had responded only with their repeated emphasis that it was the Security Council that had the exclusive authority in this realm and that the above Soviet memorandum was the only solution.⁶

Lastly, the US pointed out that the USSR and other Members were in arrears for the financing of the ONUC and UNEF peacekeeping operations and this fact was the source of a lot of tension on both sides (those who had paid and those who had refused to do so).⁷ This refusal was juxtaposed with other Members with financial hardships who had contributed their share

⁴ Ibid.

⁵ Ibid., 17.

⁶ Ibid.

⁷ Ibid., 18.

“out of loyalty to the Organization...and consideration for the overwhelming views of Members.”⁸ It was evident that the majority of UN Members did want to remain a progressive world body. Sadly, the UN’s financial woes continue. It is beleaguered with Members who remain opposed, for one reason or another, to paying for services vital to the organization’s mission and livelihood. The irony in this, of course, is that several of the nations that helped create and empower the UN are the same ones stunting its growth.

With the financial crisis unresolved, the United Nations lumbered on in its effort to maintain international peace and security. It was business as usual in the Security Council. As Laos had done in 1959, Cambodia lodged a complaint regarding territorial infringement and aggression. It had been five years between complaints. On 16 April and 13 May 1964, Cambodia *in absentia* forwarded a number of reports accusing both the US and RVN of committing acts of aggression against its people and territory. In brief, the reports stated South Vietnamese Army (Army of the Republic of Vietnam, or ARVN) units, led by US advisers, crossed into Cambodian territory on several occasions and, with air support, destroyed property and killed Cambodian

⁸ Ibid.

civilians. In total, four ground attacks and more than 22 deaths were reported (Cambodia also reported several instances in which its air space and territorial waters had been violated in 1963 and early 1964). Given these accusations and losses, Cambodia filed an official complaint against the US and the RVN for their “repeated acts of aggression” within Cambodian borders.⁹ The Cambodian delegation also requested a UN observer group to investigate and confirm Cambodia’s neutrality, as stressed in the Geneva Conference.

Upon investigating the complaints, the US confessed that it did indeed have, on one occasion, an adviser present with an ARVN unit who inadvertently crossed over into Cambodia’s border. The South Vietnamese representative (again, the RVN had not been admitted into the UN but served as a non-voting member on nearly every UN committee and could always speak to voice its opinion) went one step further by formally apologizing and offering reparations to the victims’ families. Both representatives noted the ambiguous border that separated Cambodia and South Vietnam and the brazen and shameless disregard the Vietcong held for Cambodia’s territory. It is interesting to note that both representatives suggested significant, hands-on roles for the UN to

⁹ United Nations, *Yearbook of the United Nations*, 1964, 138.

play in solving this problem. The US proposed a UN supervised, bi-lateral (RVN and Cambodian) force to police the border and report their findings to the Secretary-General. This force could be bolstered by a multilateral UN force or be replaced by an exclusively UN force to patrol the border. Whatever the case, the US was prepared to contribute financially to the solution.¹⁰ The RVN suggested a UN "Commission of experts"¹¹ to formally determine and mark the borders. The RVN also proposed a bi-lateral force to police the borders and enforce their autonomy.

Again, it is noteworthy how unique and creative the proposals for UN involvement were. In keeping with this spirit, the delegate from Morocco submitted a draft resolution, co-sponsored by the Ivory Coast, that called for: a Security Council recognition and a condemnation of the violations; a "just and fair" compensation for Cambodia; a request for all parties to honor Cambodia's borders and neutrality per the 1954 Geneva Accords; and finally a request to send three of its (Security Council) Members to the border territory to consider means to prevent future violations and report these findings in forty-five days.¹² The Moroccan delegate stated the Security Council had a "moral duty to take action" and it responded in kind by passing the resolution

¹⁰ Ibid., 140-1.

unanimously.¹³ The USSR requested the Security Council vote separately on the last issue regarding a committee to visit the region and report back with the belief that the ICC should remain the sole international body in Southeast Asia. The Security Council obliged and the Soviets and Czechs abstained from the second vote.

The mission to Cambodia, made up of the representatives from Brazil, the Ivory Coast, and Morocco, was successful in its objectives. Upon its return, the commission reported its findings and offered these solutions: 1) the Security Council should dispatch an official observer group to Cambodia; 2) a UN-sponsored resumption of diplomatic discussions and relations between Cambodia and South Vietnam; 3) a mutually acceptable appointee to oversee the restoration of diplomatic relations and to formalize a consensual borderline between the two nations; and 4) the assurance that Cambodia's neutrality and territorial integrity would be recognized by all.¹⁴

¹¹ Ibid., 141.

¹² Ibid., 145.

¹³ Ibid., 142. The USSR requested the Security Council vote separately on the last issue regarding a committee to visit the region and report back with the belief that the ICC should remain the sole international body in Southeast Asia. The Security Council obliged and the Soviets and Czechs abstained from the second vote.

¹⁴ Ibid., 143.

In a surprise move, the Cambodian delegate forwarded a letter to the president of the Security Council in which he stated his government was quite displeased with the limited scope of the mission's investigation and results. In addition, he argued that none of the solutions directly addressed the acts of South Vietnamese and American aggression within Cambodian borders but, instead, it focused almost exclusively on Cambodian-South Vietnamese relations. The Cambodian government therefore refused the mission's proposals and accordingly, no one—including the UN, pursued the matter any further.¹⁵

Shortly after the Cambodian complaint, National Security Adviser McGeorge Bundy delivered a memo to President Johnson outlining a general recommendation and "projected course of action" the US should take in Southeast Asia. Dated 25 May, Bundy preempted his memo with the explanation that it was a culmination of Rusk's and McNamara's views; Bundy was merely trying to consolidate their views with one ominous caveat: "there are several holes in this discussion, most notably on action in South Vietnam and on precise U.S. objectives...."¹⁶ In all, the

¹⁵ Ibid., 144-5. Ambassador Stevenson shrewdly spotlighted the irony and hypocrisy Cambodia's initial complaint juxtaposed to its arguments with the Mission's findings. See Ibid., 144-5.

¹⁶ United States, *Foreign Relations of the United States, 1964-1968, vol. I, Vietnam: 1964*, (Washington, D.C. United States Government Printing Office, 1992), 374.

recommendation reinforced the administrative policy of flexible response and gradual escalation with a staunch anti-communist stance in South Vietnam.

In regards to the UN and possible UN involvement, any American stance would inevitably involve a defensive (as opposed to an accusatory) position in light of the United States' preferred strategy of gradual escalation. In recognition, Bundy suggested the President broaden the Vietnam issue into a Southeast Asian problem, but reiterate that the core of the problem still lay with the communist regime in Hanoi and its insistence on aggressing the peaceful nations of the region. To strengthen the American argument, the US could use the Laotian complaint of North Vietnamese aggression (as an example of broadening the problem), but overall, "it is the current estimate of our UN experts [in the State Department] that on a wider resolution involving South Vietnam we might not have the necessary seven votes [in the Security Council] for affirmative action. The one thing we do not want is to take our basic political case to the UN and fail to muster a majority."¹⁷

Can it honestly be concluded that, in early 1964, the UN was already an obstacle and not an option? Bundy—and certainly

¹⁷ Ibid., 376.

Rusk and McNamara—seemed to think so. It was extremely unlikely the US would receive UN assistance—whether in the form of an investigative or observation team, a peace keeping force, or favorable ruling for their actions in South Vietnam and Southeast Asia. How then should the US proceed? As with Johnson, Bundy recommended a two-part plan: 1) have US Ambassador to the UN Adlai Stevenson internationalize the problem in Southeast Asia by publicizing it in the UN and 2) make it perfectly clear that, if the US increases its effort in South Vietnam, it is only because it has exhausted its means for any UN involvement. Bundy wished to emphasize that an increased American military presence in South Vietnam “is not our fault.”¹⁸ The need to put a positive light on US actions in Southeast Asia had begun. This defensive posture would be the American game plan—at home and in the UN—for the remainder of the war.

In support of this plan, Bundy recommended using SEATO to support the American position and, of course, to bolster US troops. SEATO would have more “bite” than a UN resolution or peacekeeping force. As a regional alliance, not unlike NATO or the Warsaw Pact, SEATO signified security through force and a constant threat of force, not peace and a constant threat of peace.

¹⁸ Ibid.

Bundy stated his recommendation in plain English: "it is our recommendation that these deployments [US and ideally allied troops] be on a very large scale, from the beginning, so as to maximize their deterrent impact and their menace. We repeat our view that a pound of threat is worth an ounce of action—as long as we are not bluffing."¹⁹ It appeared that the US was more interested in waging war than waging peace. If so, then a UN role in Vietnam would be insignificant at best or missing at worst.

As the US sought to maintain its integrity as a nation concerned for peace in the international spotlight, it began to consider bombing North Vietnam. A bombing strategy provided the most "bang for your buck:" maximal destruction with minimal troop involvement. Such a strategy, however, carried significant and possibly costly diplomatic repercussions. The State Department was forced to accept its own mission impossible: uphold the US' positive and honorable image while escalating its military involvement in an undeclared war. Under Secretary of State George Ball shared his reservations with this hopeless paradox with his superior, Secretary of State Dean Rusk:

Either on our initiative or through the actions of others, we would be faced with a Security Council action almost as soon as the first air strike was completed. The first efforts of the Security Council would be to obtain a ceasefire. If we vetoed such a resolution [in

¹⁹ Ibid., 377.

the Security Council], we would almost certainly be faced with a call for a General Assembly.

Under these circumstances, we could find ourselves in a position not wholly dissimilar from that of Britain and France at Suez. World opinion would be against us and opposition would be heightened by the racial implications of a white attack upon the Asian people. Our friends could not be counted on to stay with us far down this track. It seems unlikely that we could hold out very long against some form of conference either in New York or Geneva—in which the neutralization of Southeast Asia would be very appealing to most of the participants. While we might have gained some slight advantage by the demonstration of American will and capability, we would have lost greatly in the moral approbation of most UN members.²⁰

In August of 1964, the United States brought Vietnam to the UN. In what would become known as the Tonkin Gulf Incident, the US formally requested an emergency Security Council meeting and action following an attack on American naval vessels off the coast of North Vietnam. In short, a small number of North Vietnamese PT boats attacked two US Navy destroyers—the USS *Maddox* and USS *Turner Joy*—on 2 and 4 August. Controversy over the authenticity of the attacks (particularly the second attack), as well as who provoked them and whether or not they occurred in international waters, continues to this day.²¹ If controversy shrouds the events that occurred in the Tonkin Gulf,

²⁰ Ibid., 404.

²¹ See Paul Conkin, *Big Daddy from the Pedernales: Lyndon Baines Johnson*. (Boston: Twayne Publishers, 1986), 254-259 for a brief but very intriguing look into the controversies surrounding the Tonkin Gulf Incident and the ensuing congressional resolution. See also Stanley Karnow's *Vietnam: A History*, 366-376.

there is little doubt in what happened next. The PT boat attacks provoked a reaction that Johnson biographer Paul Conkin states resembled a junior Pearl Harbor. In like fashion, President Johnson ordered a retaliatory attack on a number of “pre-selected” strategic sites in North Vietnam, authorized the deployment of more troops to Indochina, and initiated the Tonkin Gulf resolution.²² Citing the need to uphold America’s honorable international reputation, the resolution sailed through Congress. The result was essentially a blank check for Johnson to do what he pleased in Vietnam; he could commit troops and materiel with impunity. This presidential power would produce costly results until the resolution was repealed in 1970.

Johnson felt the US had to defend Vietnam in order to assert its power in the hopes of achieving—or appearing to achieve—strength in the international arena. If the US had indeed lost Asia, it was not about to lose Vietnam—especially after having fought for South Korea’s autonomy. The US, therefore, invested heavily in the defense of Vietnam and was never in a position to conciliate, negotiate or withdraw.

With this mentality, it is easier to understand why Johnson strung the UN along through the war, never ruling out its

²² Conkin, 255.

involvement, yet never strongly considering it either. Favoring peace but surrounded by hawks, Johnson would seek a military solution to the Vietnam problem. Johnson certainly does not give a UN solution much attention in his memoirs. If anything, he seemed to be most concerned with continuing Kennedy's objectives.²³

In keeping with the flexible response strategy, Johnson's decision to retaliate for the attacks in the Tonkin Gulf had to be limited in scope.²⁴ That said, Johnson had in his favor the argument that the machine gun and torpedo attacks were premeditated, in international waters, and unprovoked. He could respond, therefore, but with more firepower and intensity and hopefully with public support for armed intervention in Southeast Asia. (Little did he know that he would leave Washington a broken man four years later after having pried open this Pandora's Box.) The US launched a series of retaliatory attacks on North Vietnam before soliciting the Security Council on 5 August. The

²³ Johnson's memoirs are hardly genuine. In *Big Daddy From the Pedernales*, Paul Conkin describes the writing of *The Vantage Point* as "a large staff project" and "a well-documented white paper," involving several aides and ghostwriters, including Doris Kearns. The writing team struggled to get Johnson to dictate in his own unique style, but the former president insisted on a more formal, dignified tone. He soon grew tired of the project and although it was factually accurate and insightful, the finished product (published in 1971) was more a result of historical research than personal recollection.

²⁴ This strategy allowed the US to minimize risks by utilizing a sliding scale of reactions to events that challenged American power. The range of responses varied from diplomacy to nuclear war. See Johnson, *The Vantage Point*, 117.

request to consider the attacks was voted on to the Security Council's agenda and debating began. Ambassador Adlai Stevenson emphasized the Navy destroyers had been in international waters—30 miles off shore—at the time of their attack and, under Article 51 of the UN Charter, the US was simply fulfilling its right to defend itself. (How a counter strike days later is defined as self-defense remains to be seen.) Furthermore, the US had treated the first attack as an isolated incident but the second attack forced its hand. The US had to respond, but did so responsibly by engaging in a limited reprisal.²⁵ Lastly, Stevenson reminded his fellow delegates that the DRV's attacks were also a clear violation of the 1954 Geneva Accords.

The Soviets argued in favor of leveling the playing field: any conclusion the Security Council was to reach would be biased unless the DRV was invited to relay its side of the story. The Soviets were suspicious of the American delegation's charges, due to the fact just two days earlier the DRV had protested US Navy and ARVN attacks (from the sea and air) targeting facilities within the DRV's borders.²⁶

The French delegate supported the Soviets' request to hear representatives from the DRV before any further consideration

²⁵ United Nations. *Yearbook of the United Nations*, 1964, 147.

took place. China argued the US Navy's retaliation was entirely justified and that any appearance of representatives from the "Hanoi regime" would be useless and undeserved.²⁷ The US argued that, if the DRV was to be heard in the Security Council, so then should the RVN.

On 7 August, the Security Council agreed to invite representatives from both the DRV and RVN to participate in Council discussions regarding the Tonkin Gulf attacks. While the Council waited for responses from the respective Vietnamese delegations, formal debate among voting Security Council Members began. The Czech delegate accused the US of provoking the attacks and its large-scale aggression against the DRV could only be defined as a reprisal, which the Council had previously condemned. The difference between the two concepts is significant and warrants clarification. In the context of the Tonkin Gulf Incident, self-defense was immediate and limited to returning fire on the NVA PT boats, as the US Navy did during the first attack. Premeditated air strikes targeting industrial and military facilities days after the PT boat attacks—as the US Navy engaged in following the second attack—constituted a reprisal or retaliation. The Soviet delegation supported the Czech claim and

²⁶ Ibid., 148.

argued retaliation was outlawed in international law as well. The Soviets also claimed the US reprisals violated Article 51; however, the Article fails to address reprisals. The Article focuses on self-defense and makes no distinction between the two. A more appropriate Article that addresses this topic is Article 33. In short, Article 33 commands parties to a dispute to first try settling their differences peacefully (see Appendix A for text of Article). The US contested these charges, claiming both naval counter attacks were in self-defense. Specifically, the first attack was countered with return fire and a note of warning to the DRV while the second attack was met with a delayed series of air strikes on the PT boats' facilities to prevent the attacks from continuing "with impunity."²⁸ Ambassador Stevenson's argument for the second American counter attack is less than convincing. This reach only perpetuates the controversy whether or not a second PT boat attack ever occurred.

The DRV responded to the Security Council's invitation in written form on two different occasions. In addition, it answered the United States' charges regarding the PAVN's (People's Army of [North] Viet Nam) unprovoked attacks and, finally, it stated its views on the proposed Security Council consideration of the

²⁷ Ibid.

matter. Both documents were circulated at the request of the Soviet delegate. The first document, endorsed by the DRV on 6 August, charged the US for fabricating the second attack in the Gulf of Tonkin (the DRV neither confessed nor denied the first attack). The majority of the document focused on accusing President Johnson specifically and the US in general for waging war in both Vietnams and upsetting the peace in Laos and Cambodia. Although it is unclear who wrote the document, the author's acrid comments harshly criticized the US and its foreign policy:

the more truculent and reckless the United [sic] States imperialists, the more united and determined are the people throughout Vietnam to defeat them. The people in Laos, Cambodia and South-East Asia as a whole have seen more clearly the cruel face of the United States imperialists, hate them ever more deeply and are struggling ever more resolutely against them.²⁹

The second document was endorsed by the Foreign Ministry Department of the DRV. Its tone was similar to the previous document in that it lambasted the United States for its aggression upon the nations of Southeast Asia. The document was peppered with acrimonious terms like, "slander," "fabricated," "imperialists," "thief," "perfidious," and "sabotaging."³⁰ Its

²⁸ Ibid.

²⁹ United Nations, *Security Council Official Records, Nineteenth Year, Supplement for July, August and September, 1964*, (New York: United Nations, 1965), 171.

³⁰ Ibid., 172-3.

message was similar in that; it addressed the same issues. It differed in that it stressed the need to adhere to the 1954 Geneva Accords. The war of aggression the US was waging was a violation of the Accords and only the two co-Chairmen of the Geneva Conference—the USSR and the United Kingdom—had the “full competence” to examine the violations.³¹ Secondly, it was the exclusive right of the parties of the Geneva Conference to maintain adherence to the Accords and maintain peace and security in Southeast Asia. As a result, the Foreign Ministry stated the United Nations Security Council had “no right” to examine the problem in Vietnam.³²

Almost two weeks later, the Security Council received another statement from the DRV. The telegram came from Xuan Thuy, the DRV’s Minister of Foreign Affairs. He repeated much of what his department had relayed in the previous message. He attacked the US at length for fabricating an international incident to curry international support for its war aims. As Thuy saw it, the United States’ objective was quite clear: “to misuse the name of the United Nations in order to draw other countries into its war of aggression in Indo-China and thereby to tear up the 1954 Geneva

³¹ Ibid., 174.

³² Ibid.

Agreement on Viet-Nam.”³³ The brunt of the document, in fact, argued for the Geneva Accords over the Security Council on the jurisdiction question. Again, Thuy and the DRV argued the Geneva Conference was the framework best suited for dealing with the war in Vietnam. The Conference negotiated a settlement for the first war against the French and those accords and conclusions should be enforced and adhered to with no outside interference. The International Control Commission (ICC) was the enforcement body established by the Geneva Conference to oversee adherence to the Accords and no additional help was sought. As a result, the United Nations and the Security Council should not undermine the ICC or the Geneva Accords; it did not have the “competence” to deal with the issues in Vietnam and Indochina. The argument for exclusivity was summed up with a less-than diplomatic warning: “should the Council take an illegal decision on the basis of the United States ‘complaint’, the Government of the Democratic Republic of Viet-Nam would regretfully find itself obliged to consider that decision null and void.”³⁴ As with the United States, the DRV was not interested in negotiating because it all but promised a compromise of its aims.

³³ Ibid., 200.

³⁴ Ibid., 202.

The DRV was essentially banning the UN from participating in a diplomatic solution because all the primary parties involved in hostilities—with the exception of the United States—were not Members of the world organization. The Vietnam problem, following this line of reasoning, was out of the UN's jurisdiction. Because all parties had taken part in the 1954 Geneva Conference, the solution (as the DRV saw it) should be sought through the Conference co-Chairmen.³⁵ There were, however, other factors in the DRV's decision to shut out the UN. For example, the DRV's application for UN membership had been debated, vetoed (by the Soviets in September 1952) and tabled. The DRV was less than happy with the UN and, given the fact that the world body had also shunned its military patron and neighbor, communist China, the DRV was prejudiced even more so. Lastly, it cannot be overstated that the DRV in 1964 was making many of its decisions with Chinese direction. As long as the Chinese opposed UN involvement, the DRV would be forced to adopt the same attitude. With North Vietnam opposed to the UN's involvement, the UN conceded. In addition, the DRV had better support among the Geneva Conference parties than within the Security Council. Support from the Security Council was more

³⁵ United Nations, *Yearbook of the United Nations*, 1964, 149.

elusive because there were more impartial and Western-aligned Members there. Thus, the US request for Security Council consideration and/or action died.

At first glance, North Vietnam's claim that the UN was out of its jurisdiction has some credence. The participating nations of the Geneva Conference of 1954 had established and reiterated their desire to solve the Southeast Asia problem without UN assistance or involvement. The current situation in Vietnam (and Southeast Asia) was, by and large, a result of the shortsightedness of the Conference and its conclusions. It is understandable, therefore, that the "Vietnam problem" should be dealt with, and ideally solved by, the Conference members and them alone. The fact that none of the conferees were in any mood to compromise, although tragic and frustrating, was also relevant and deterring to an eager-to-intervene UN. This line of thinking set the tone for the remainder of the war: because the problem had sought a resolution through Geneva, the problem had to stay in Geneva.

Did the problem really have to stay within the confines of the Geneva Conference? Both China and the DRV seemed to think so as they would each continue to argue throughout the war that the UN had no business of any kind in the search for a solution. The United States, Laos, and Cambodia seemed to

disagree, however, as evidenced by the fact that each brought the Vietnam problem to the UN on different occasions. In looking at the conclusions of the Geneva Conference (see Appendix C), there is nothing stated in the 13 point declaration that directly or indirectly forbids the UN, or any other organization, from getting involved. Furthermore, the argument that the Vietnam problem had to be solved through the Geneva Conference members and within the Conference's parameters, suggests that the Vietnam problem had not evolved or changed since 1954. This of course could not be farther from the truth. Southeast Asia, and Vietnam in particular, was a vastly different place in 1964 than it was in 1954. The Conference's declaration no longer applied to the current situation in Vietnam.

The declaration had clearly failed to live up to its expectations. Once the declaration disintegrated, only two things could happen: either the Conference members regroup and sort out their differences (which China and the DRV, questionable in their sincerity, argued for) or an outside party intervenes to bring an end to the hostilities. The UN signified this third party. Unfortunately, the belligerents were not so concerned in finding a mediator.

In looking at the UN Charter, one can find specific provisions that do indeed suggest the Security Council (or the UN)

can only act to curb aggression in very specific circumstances.

Article 2, paragraph 7 states “nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state....” It can be argued quite convincingly that the Vietnam War was indeed a civil war between two factions from very specific regions, thus the former article would clearly challenge the UN in intervening. The article, however, continues: “but this principle shall not prejudice the application of enforcement measures under Chapter VII [of the UN Charter].” Essentially, if aggression is occurring, the fact that the conflict is of a civil variety will not deter the UN from acting. Perhaps a more relevant argument against UN intervention lies in Article 33, paragraph 1: “the parties to any dispute...shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.” Paragraph 2 of the same article states “the Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.” This article, more than any other, provided an opportunity to prevent the UN from intervening. On the other hand, the Geneva Conference of 1954 represented the initial effort by the belligerents to settle the dispute

peacefully and because the Accords had failed, the UN could justifiably intervene.

Given the responsibility of the UN to maintain international peace and security, there are several articles that authorize—and in fact obligate—both the UN General Assembly and the Security Council to intervene in just such a situation as Vietnam. The General Assembly is authorized to act in relation to maintaining peace and security by way of several Charter articles, most notably Articles 10, 11, 14, and 18. Although Article 12 clarifies that the General Assembly is not to make any binding decisions regarding the maintenance of international peace and security in that might interfere with the Security Council and its powers, Articles 14 and 18 empower the General Assembly to vote as it sees fit on issues involving peace and security. Article 14, for example, states: “subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations....” Article 18, paragraph 2 is even more specific: “decisions of the General Assembly on important questions shall be made by a two-thirds majority vote of the members present and voting. These questions

shall include: recommendations with respect to the maintenance of international peace and security....”

The tough question thus emerges: did the UN have an obligation to intervene? The answer can be found in the UN Charter. There are several Articles within the Charter that suggest the organization’s mission: to maintain international peace and security. This goal must be adhered to regardless of superpower politics. Any nation or Member that undermines this goal inhibits the UN, world peace and general progress. In turn, if the UN itself opts for inaction in an effort to avoid the ensnarement of Cold War politics, then it is just as guilty as its usurping Members. The decisions the UN made in reference to the Vietnam War had an underlying theme: ambivalence. UN Members were horrified and deeply concerned by the worsening situation in Vietnam and the repercussions the War had on the world at large, but did little more than voice their disdain. These armchair quarterbacks did indeed have an obligation to intervene, however unpopular the decision was, but made the conscious decision not to. This was a gradual development though. In 1964, the US, the only Member involved in the War, had no desire for the UN to intervene. This is evidenced by the US purpose in bringing the Vietnam problem to the UN in 1964—to inform the Security Council of its intent to

wage war in Vietnam. The US would soon take an entirely different tack (the result, however, would be the same, much to the US' chagrin).

The power of the Security Council became very evident in its handling—or mishandling—of the Vietnam War. This power, of course, was manifested in the complete inactivity between the Security Council members in addressing a solution to the war. A solution seemed hopeful in 1964. Resolutions, were drafted, presented, debated, and considered. One would hope and expect 1965 to be similar in productivity but with the added dimension of concrete results.

Chapter 12

1965

1965 marked the 20th anniversary of the United Nations. In celebration, the UN designated 1965 the Year of International Cooperation (ICY). A committee was formed with the sole purpose of creating and managing programs to encourage member nations to cooperate in science, education, culture, and information, as well as educate the world on the mission of the UN. Special conferences, seminars, lectures, and essay contests were organized.¹ The irony, of course, lies in the fact that the UN was plagued by dissension over the Vietnam War and how to fix it.

In keeping with the theme "Year of International Cooperation," the UN acted as it was designed to: with the faith that it was making a difference and that it could be a leader in world progress and not a follower or a mirror. One important example is the continuation of discussing and formalizing the findings of the Special Committee on Principles of International Law Concerning Friendly Relations and Cooperation Among

¹ United Nations, *Yearbook of the United Nations, 1965*, (United Nations (NY): United Nations Office of Public Information, 1967), 86-7.

States. The Committee actually met in the fall of 1964 in Mexico City. It studied four main principles:

- (a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.
- (b) The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered.
- (c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter.
- (d) The principle of sovereign equality of States.²

Because their findings failed to garner a consensus, the discussions were continued in front of the General Assembly in 1965. Before consideration began within the Assembly, three new and similar principles were added:

- (a) The duty of States to co-operate with one another in accordance with the Charter.
- (b) The principle of equal rights and self-determination of peoples.
- (c) The principle that States shall fulfill in good faith the obligations assumed by them in accordance with the Charter.³

Further discussion of these principles (all 6) was handed over by the Assembly to the Sixth Committee, the committee in charge of all UN legal questions/issues, to consider. In the ensuing discussions, all principles were discussed in detail. Not one speaker/delegation disagreed with any of the principles; however, many delegates recommended adding additional, supplementary principles to clarify the existing ones. For example, several

² Ibid., 625-6.

delegations recommended clarifying and expanding “force” (in the first principle) to include economic, political, and other methods of force. On the other hand, some delegations believed “force” should not be widened for fear that an expansive definition would dilute the effectiveness of the original term and concept.⁴

Nonetheless, the Sixth Committee oversaw a productive general debate and it resulted in a two-part draft resolution. The Committee approved the draft resolution unanimously on 17 December and forwarded it to the General Assembly who adopted it three days later as Resolution 2103 A (XX) without objection.⁵ The resolution reiterated the above 7 principles and authorized the Special Committee (who first met and considered the principles in Mexico City) to continue to meet and work towards defining and elaborating these principles. In all, the resolution concluded each Member had an obligation to adhere to these principles, which justly represented the goals of the United Nations.

The General Assembly also spent ample time considering a Soviet proposal titled “The inadmissibility of intervention in the domestic affairs of States and the protection of their independence and sovereignty.” Ultimately, this was a memorandum that would “support the peoples of Africa, Asia and Latin America in their

³ Ibid.

main task of strengthening their political independence and securing their economic independence.”⁶ and would serve as “a legal instrument to remind States of their duty to respect the drive of peoples towards self-determination, independence and sovereignty....” who “alone, were unable to protect their rights or to defend their independence against outside intervention.”⁷ Like most UN programs, this was an admirable one. It served a valuable purpose and was devised to promote international peace and security. But like most UN programs during the Cold War, there was a significant difference between intention and delivery.

Of course, the Soviet Union’s intention with this memorandum had a dual purpose. On the surface, the resolution was an effort in defining and protecting the rights of smaller, more vulnerable nations to ensure their development without foreign interference. The draft, however, was also another opportunity for the Soviets (and other delegates within the Soviet bloc) to condemn the US for its involvement in Vietnam, as well as in the Congo and the Dominican Republic. Both the United States and the United Kingdom recognized this and criticized the Soviet Union for undermining the mission of the UN as it pertains to

⁴ Ibid., 627.

⁵ Ibid., 630.

⁶ United Nations, *Yearbook of the United Nations*, 1965, 88.

⁷ Ibid., 89.

(working toward) progress and change. The British delegate stated that any declaration would garner common support once and only once it garnered common respect.⁸

The problem with the draft, as the British and American delegates saw it, was the fact that it was filled with ambiguities several generalizations. Specifically, the concept of “intervention;” it could be covert in addition to overt (the Soviets addressed only the latter). The British delegation clarified the concept of covert intervention with such examples as subversion and the training of dissident and foreign nationals without either government’s consent.⁹ In fact, the US delegation argued that covert intervention was perhaps even more dangerous.¹⁰ Secondly, the United States argued that interference could not be defined in its traditional means—that is, unsolicited—if the developing nation requested and accepted assistance.

Two months later, in late December, a fourth draft declaration, submitted by the delegates of Peru and Mali, gained popular support and was adopted on 21 December by a vote of 109 to 0 (Malta expressed its opposition to the declaration by abstaining). This “Declaration on the Granting Independence to Colonial Countries and Peoples” included many of the concepts

⁸ Ibid., 90.

originally submitted by the Soviet Union, yet it also incorporated many of the recommendations other delegations had made during the General Assembly debates.¹¹ Several Western states (excluding the US) expressed reservations with the declaration, calling it vague and imprecise. In addition, these delegations argued that the declaration was more political than legal in content and relied more on international politics than international law.¹² In all, the declaration was a significant one, but faith in its potential would continue to waver.

Unlike 1964, 1965 at the UN saw no formal exploration of a solution to the Vietnam War. Perhaps the failure to achieve an acceptable conclusion in 1964 set the tone for the following year. This is not to suggest the Vietnam War was not discussed or referenced. On the contrary, the war was a “hot” topic in both the General Assembly and the Security Council. But instead of seeking solutions, Members opted to criticize and accuse one another for the continuation of hostilities and the inability to seek a UN solution. Secretary General U Thant regretted the UN could not intervene in Vietnam. He accepted the argument that the problem should be best resolved by reconvening the Geneva

⁹ Ibid.

¹⁰ Ibid., 89.

¹¹ For full text of the declaration, see United Nations, *UN Monthly Chronicle*, vol. III, #1: January 1966, 29-30.

Conference, although he stated this argument did not prohibit the UN from studying and discussing the problem. Nonetheless, he saw this debate as a difficult obstacle that would impede the UN's ability to become involved.¹³ Thant instead would take matters into his own hands and embark upon a personal campaign to bring peace to Vietnam. Like the war's aggressors, he would engage in secret diplomacy to try and achieve a cease-fire that would bring both peace and "save face."

Although the war had really just begun, Thant was terribly concerned that a peaceful solution was slipping between diplomats' fingertips. He already saw a stalemate emerging that was pushing the boundaries of a limited war: a much larger and even more dangerous war loomed ahead. Thant had grave concerns regarding the deteriorating situation in Vietnam and the severity of his concerns cannot be underestimated. He would share his concerns with the General Assembly during his annual report later in the year:

I cannot emphasize too strongly the profound and dangerous effect which, however paradoxical the circumstances, the present situation in Viet-Nam is having on the atmosphere in the United Nations, reflecting in turn the impact of the dispute upon relations between East and West. Patient and persistent efforts over several

¹² Ibid., 93.

¹³ United Nations, *General Assembly Official Records: Twentieth Session, Supplement No. 1A (A/ 6001 / Add. I)*: "Introduction to the Annual Report of the Secretary-General on the Work of the Organization: 16 June 1954-15 June 1965." (New York: UN Office of Public Information. 1965), 10-11.

years, within the United Nations as well as outside it, had brought East and West closer together than at any other time in the past decade and had opened up many real possibilities of fruitful collaboration. Signs at last were present of a thaw in international affairs which could be encouraged not only to endure but also to spread around the world. The conflict over Viet-Nam has cruelly set back that trend and has served to revive, to intensify and even to extend some of the attitudes of the cold war. The conflict engages not only the lives of the soldiers and civilians who are caught up in the present fighting. It threatens also to affect the peace of the world and the fate of all mankind. It must be stopped.¹⁴

As the belligerents slipped further into war. Thant saw two significant UN issues increasingly jeopardized: disarmament and UN membership. He saw success in both issues as vital to the organization's survival. He pleaded with the General Assembly to continue to work towards disarmament and lobbied for, what he termed, "universality of membership."¹⁵ Specifically, he sought fewer barriers in admitting prospective Members. Acknowledging the "political and other difficulties" in achieving this, Thant suggested non-Members maintain observers at the UN year round.¹⁶ In addition to observing UN business, these non-Members would be able to participate (in everything but voting) and "maintain contact with the world body and ... thus be more directly exposed to the views of the rest of mankind."¹⁷ The

¹⁴ Ibid., 11.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

Republic of Vietnam is a prime example of an active non-Member. The RVN's delegates sat on all but two of the UN's subsidiary organs, which numbered almost two-dozen in number. Communist China and the Democratic Republic of Vietnam, however, who were also shunned by the Security Council, expressed their resentment by boycotting the UN entirely. One can only suspect Thant had these two non-Members in mind when he referred to the universality of membership and its promise of growth and progress.

With a multi-national effort to bring peace to Vietnam currently out of reach, several countries joined in the effort to achieve a military solution in Vietnam. In May and June of 1965, the Soviets condemned both the Australian and New Zealand governments respectively for their decisions to commit troops and arms to South Vietnam to curb Vietcong aggression. The Soviets accused these countries of violating international law and the Geneva Agreements of 1954. The Australians and New Zealanders defended their actions by claiming the Vietcong activities were supported and funded by the North Vietnamese and, as a result, South Vietnamese sovereignty must be protected and maintained.¹⁸

¹⁸ Ibid., 188.

The inclusion of Australian and New Zealander troops and material presents an intriguing side bar. Compared to the Korean War, which was a UN sponsored effort that provided 39,145 troops from countries other than the US and South Korea, the Vietnam War saw no UN forces but instead, 68,889 “Free World Military Forces.”¹⁹ These forces consisted of troops from five countries: Australia, New Zealand, the Republic of (South) Korea, Thailand, and the Philippines. These countries shared some important similarities and interests. With the exception of South Korea, all contributing nations were SEATO members. These nations defended their actions to commit troops and materiel for the very same reason the US defended its involvement in South Vietnam—to uphold their obligation to the SEATO treaty. Surely this obligation (to SEATO) was a factor in each Member’s commitment to help, but this simply cannot be the sole reason for their involvement. To dismiss their concern for containment or their fear of the domino theory is improper. Their proximity to Vietnam and China was more than a coincidence and their national security interests were at stake. Whatever the case, these forces

¹⁹ Harry G. Summers, Jr., *Historical Atlas of the Vietnam War*, (New York, Houghton Mifflin, 1995), 163.

collectively sacrificed 5,237 soldiers and marines in the Vietnam War.²⁰

SEATO members were not the only nations to contribute to the war effort in Vietnam. The Free World Assistance Program represented a total of 39 nations which contributed relief and aid in some form. These nations included many NATO members, plus other countries such as Japan, Pakistan (a SEATO member), Iran, Israel, Liberia, Tunisia, Ireland, Venezuela, and Brazil. The Free World Assistance Program and the Free World Military Forces were the results of Lyndon Johnson's international call to action, issued in April and December of 1964, to help curb the spread of international communism.²¹ What Johnson received, however, fell well short of his needs and lofty expectations. In typical Johnson fashion, he and his foreign policy team pressured their European allies for "more flags...in South Vietnam," with the argument that European troops were a fair exchange for America's effort in defending Western Europe (by way of NATO) against the Soviets. Johnson's allies, however, would not be "guilted" into service. An angry and frustrated Johnson growled, "it has been costly that Europe has tended to 'disassociate' itself from the Viet-Nam problem," and thus "the concept of disassociation . . . can cut both

²⁰ Summers, 163.

ways.”²² Johnson and his European allies soon learned, however, that the US needed to remain in the European alliance and so they ignored his threats.²³

While the war continued and more and more people and nations became involved with both the hostilities and the peace effort, the Security Council commented on these developments. Once again, however, nothing concrete was reviewed or considered. Instead, accusations and condemnations flew with seemingly no sign of a peaceful settlement. For example, in February of 1965, the US publicly charged the Vietcong of attacking South Vietnamese air bases and barracks. The US expressed its confidence that these VC attacks were ordered by the DRV. The US felt justified, therefore, in joining the South Vietnamese Army (ARVN) in a retaliatory attack on DRV military (PAVN) facilities just over the DMZ. Furthermore, the US reminded the Security Council that these attacks violated both international law and the 1954 Geneva Accords. The US recognized the DRV had “explicitly denied the right of the Security Council to examine the problem,” but nonetheless felt

²¹ Ibid.

²² Frank Costigliola, “The Vietnam War and the Challenges to American Power in Europe,” *International Perspectives on Vietnam*, edited by Lloyd C. Gardner and Ted Gittinger, (College Station: Texas A&M University Press, 2000), 147-8.

²³ Ibid.

obligated to report the accusations.²⁴ It must be noted that, unlike the Tonkin Gulf incidents of the previous year, the US submitted no formal draft resolution or a condemnation against the DRV. This new incident was simply reported and argued over. It is not clear why a formal action was never proposed. Perhaps the US was confident any such proposal would have been vetoed by the Soviet Union. Perhaps a more plausible conclusion was the US still did not want the UN to intervene in 1965.

For the US, the war was just getting under way in 1965. The Tonkin Gulf Incident had just occurred the previous August and the US now had the opportunity to flex its military muscle against a third world power in the name of containment. A robust bombing campaign, codenamed Rolling Thunder, was authorized and executed in late February. In the battle for Ia Drang Valley, the first conventional engagement of the war, the US defeated a larger enemy force, instilling hope and optimism in a military solution. By December of 1965, Johnson had committed 200,000 troops and could afford to postpone the bombing campaign over Christmas to encourage the North Vietnamese to negotiate—but again, only on American terms.²⁵

²⁴ UN, *Yearbook of the United Nations*, 1965, 186.

²⁵ Karnow, 682.

Not wanting to miss an opportunity to pass blame and judgment, the Soviet Union responded to the United States' charge (against the Vietcong for attacking ARVN posts) with a charge of its own. The Soviets rejected the American claim that it was obligated to retaliate. On the contrary, the Soviets argued the situation in Vietnam was a domestic one and the Vietnamese people wanted to settle it accordingly, with no outside interference.²⁶ Nonetheless, the Soviets sided with and defended the DRV in insisting that the US refrain from its aggression and observe and honor the Geneva Agreements.²⁷ The accusations bounced back and forth between the superpowers and states within their respective spheres of influence. Several additional Members criticized the US and exhorted the Johnson administration to honor the Geneva Agreements and withdraw from Southeast Asia. The US was losing support and doing it quickly, but refused to concede: it was convinced it was doing the right thing. The

²⁶ From the outset, the communists would view the problem in Vietnam as a civil war whereas South Vietnam, the United States and SEATO members saw the hostilities as foreign aggression, instigated and supported by the world communist movement and therefore subject to allied intervention. This battle of semantics was waged throughout the Vietnam War and the argument was applied to hot spots all over the world during the Cold War. Was Vietnam a war of national liberation or foreign aggression? The debate continues in classrooms, libraries, and conferences all over the world.

²⁷ The Geneva Agreements were also subject to interpretation. Not surprisingly, both sides accused the other of violating the Accords. In looking at the specific agreements, both sides are guilty of violations. Although neither side would ever confess to violating the Accords, both sides would claim their opponent violated the agreement first and therefore must abide first. This circular

Security Council witnessed an increase in Cold War rhetoric in 1965, in part to compensate for the lack of action there. The Soviets warned the American delegation that, by continuing its aggression in Vietnam, the US was “following the path” of expanding the war in Southeast Asia.²⁸ The Soviets also stated the events in Vietnam were promoting an increasingly volatile relationship between the superpowers and suggested the repercussions from such events could threaten the balance of power or worse.²⁹

The US did not respond directly to the Soviets’ counter charge. Instead it reiterated its desire for peace in both April and July by any means and in any format. In addition, recently appointed Chief of Mission Ambassador Arthur Goldberg shared President Johnson’s Johns Hopkins proposals with the Security Council, namely a bold and expansive development project in Southeast Asia. On 30 July, Goldberg once again shared with the Security Council the President’s aims but also an invitation to the UN, whether collectively or as individual members, to use its influence to jump start peace negotiations. Goldberg made it very clear that the US wanted peace over war but it would only work

argument allowed the War to continue as long as it did. It is testament to the war of wills and the psychological attrition that characterized the Cold War.

²⁸ Ibid., 187.

²⁹ Ibid.

towards peace on its own specific terms. He reviewed with the Security Council the four principles his government was standing firm on: 1) the US would continue to provide military assistance to South Vietnam to ensure the latter's independence and sovereignty; 2) the US would continue to assist and promote the economic and social development of Southeast Asia; 3) the US would continue to pursue and consider all possibilities for peace; and 4) the US remained at the ready to cooperate with the Security Council and "an acceptable formula" to restore peace and security in Southeast Asia.³⁰ The last portion of the fourth term is indicative of the United States' gumption in attaining victory through peace. The US was certainly interested in peace, maybe even peace at all costs, just as long as the White House, State Department, and National Security Agency could define those costs. Of course, history would show that this was simply not feasible.

The year finished with a special appearance and presentation by Pope Paul VI. Invited by Secretary-General Thant, His Holiness spoke to the General Assembly on 4 October. In keeping with the theme of the Year of International Cooperation, the "expert in humanity" extolled the UN for its goals and its

³⁰ United Nations, *Security Council Official Records. Twentieth Year.*

success in attaining them.³¹ Of course, he also pleaded with his audience to continue striving for peace. More importantly, however, he challenged his listeners to lead the way for peace, “unanimous trust in this Institution must grow; its authority must grow; and the goal, it is to be hoped, will then be reached.” Alas, “this is what the people expect of you.”³² The Pope’s message was well received. In his three-hour visit to the United Nations, over 7,000 people listened to his speech while countless millions more listened around the world on radio and television. In addition, it drew over 1,500 members of the press, an unprecedented number for the UN.³³ The Pope met with the permanent Members of the Security Council separately and at their own request to discuss peace and Vietnam surely must have been a part of each discussion.³⁴ In addition, Thant spoke with His Holiness at length about the Vietnam War and reiterated his belief that the War could only be solved politically.³⁵ The deeply concerned Secretary-General would have to wait several more years before his convictions would prove correct.

Supplement for July, August and September, 1965, (New York: United Nations, Office of Public Information, 1966), 141.

³¹ United Nations, *Yearbook of the UN, 1965*, 238.

³² *Ibid.*, 240.

³³ Ramses Nassif, *U Thant in New York, 1961-1971: A Portrait of the Third Secretary General*, (New York, St. Martin’s Press, 1988), 62.

³⁴ *Ibid.*

³⁵ *Ibid.*

Chapter 13

1966

1966 was a watershed year for US/UN relations as they pertain to the Vietnam War. There were several significant events that would change the way both the UN's and the United States' perspectives of the war. One must ask, why 1966? What happened to bring about such a change? The events of 1966 suggest something or some things of grave significance occurred which, in turn, drastically affected US/UN relations.

Perhaps the best and easiest place to start is Vietnam. The war was indeed escalating. By the end of 1965, President Johnson had committed 200,000 troops (while rejecting McNamara's suggestion to mobilize reserves), the US Army had achieved victory in its first conventional engagement and, as a sign of good faith, Johnson extended the olive branch to the Vietnamese with a temporary Christmas bombing halt. In 1966, American military efforts increased dramatically. Johnson resumed the strategic bombing of North Vietnam after a hiatus of six weeks and doubled American troop strength to almost 400,000.¹ The US invested billions in the industrialization of South Vietnam by constructing

harbors, airfields, roads, bridges, fuel depots, and communications systems—all and more to better in order to wage the war more efficiently. By the end of the year, a million tons of supplies were either airlifted or shipped into Vietnam every month at an unfathomable average of 100lbs a day for every American soldier in country.² The weaponry US troops had at their disposal was revolutionary in its capabilities. New weapons were introduced and all were stronger, faster, lighter, and more lethal than ever. With such advanced weaponry, American troops also waged war like never before. They did so indiscriminately, bringing destruction and devastation to the entire country. And yet despite hundreds of daily bombing campaigns and to the bewilderment of all, the North Vietnamese were still able to move 200 tons of supplies a day into South Vietnam by way of the Ho Chi Minh Trail.³ The war dragged on with no end in sight: all of the advancements could not bring about a noteworthy change of tide.

Stagnation characterized the diplomatic efforts as well.

The manner in which the two primary belligerents—the US and the

¹ Karnow, 683.

² Ibid., 436.

³ Robert S. McNamara, *In Retrospect: The Tragedy and Lessons of Vietnam*. New York: Vintage Books, 1995, 222. Note: In *Vietnam: A History*, Stanley Karnow notes the Vietcong needed no more than 15 tons of supplies a day to remain effective. In addition, North Vietnam was receiving six thousand tons of supplies daily from the Soviet Union and China. General Westmoreland's strategy of attrition would not pan out so easily. See Karnow, 454-5.

DRV—conducted their diplomacy is simply astounding. During a historical meeting between retired American and North Vietnamese policy planners in Hanoi in 1997, the subject of Hanoi's reception to American peace overtures garnered little response from the Vietnamese officials until one poignantly asked, "Why did you always rely on third parties? Were you just making propaganda? Why didn't you try to contact us directly?"⁴ The fact that the Vietnam War was not being addressed in the UN did not prevent either opponent from involving dozens of nations in the peace effort. Whether or not these peace efforts were genuine cannot be easily determined. The number of bases covered in these efforts, however, is once again astounding. It appears that only once did the two governments—namely Johnson and Ho—actually communicate with one another (in written form). Otherwise, all diplomacy was done through international middlemen or channels that funneled the messages to Washington, D.C. or Hanoi. For example, during the second bombing halt—essentially January of 1966, the US had conferred with over 115 nations in an effort to indirectly persuade the North Vietnamese to negotiate.⁵ President Johnson sponsored the well-publicized

⁴ Lloyd C. Gardner, "Fighting Vietnam: the Russian-American Conundrum," *International Perspectives on Vietnam*, edited by, Lloyd C. Gardner and Ted Gittinger. (College Station: Texas A&M University Press, 2000), 23.

⁵ United Nations, *Yearbook of the United Nations*, 1966, 48.

Fourteen Point Peace Proposal to encourage the DRV to negotiate (the Fourteen Point Peace Proposal is presented in Appendix E). The fourteen points were essentially a list of American goals for peace. This differed from previous administration proposals and the DRV's goals. Some aspects, however, would not change: bombs would still fall on North Vietnam while infiltration continued. In turn, the DRV had sent to several political leaders around the world a declaration of three preconditions the US had to meet prior to negotiating. Once again, no concessions were made: the DRV was sticking to its guns. While both opponents were unhappy with the stalemate, in 1966 neither the United States nor the DRV were remotely close to admitting defeat.

Within the halls of the UN, a new approach was taken to the Vietnam War. In light of the developing Cold War trend of superpowers sponsoring third world insurgency and wars of liberation, the UN passed in 1966 its "Declaration of Non Intervention." The declaration had been years in the making. It had a tone that was quite different and perhaps unprecedented: the language was strong and the inferences were even stronger. Overall, the 8 point declaration "solemnly declares" that "no state has the right to intervene directly or indirectly, for any reason

whatever, in the internal or external affairs of any other State.”⁶

In addition, “the practice of any form of intervention not only violates the spirit of the Charter but also leads to the creation of situations which threaten international peace and security.”⁷

This resolution could be applied to both UN and non-UN members. It could be applied to US hostilities in North and South Vietnam. It could also be applied to North Vietnam’s aggression in the south and against the US forces stationed there. Southeast Asia was not the only region troubled by forced intervention: Soviet repression in Eastern and Central Europe or its acts of aggression in the Middle East and Africa are just a few examples. There were no specific references made to particular aggressors or victims of aggression but the message was clear—international concern over the escalating war in Vietnam surely prompted the Declaration’s passing; there was absolutely no way the Declaration could have been construed any other way.

The Declaration of Non Intervention sent a crystal clear message: the UN would define and recognize intervention, regardless of membership concerns, and gave itself the authority to condemn it and correct it. Such a declaration acknowledged the UN’s authority and responsibility to maintain international peace

⁶ United Nations, *United Nations Monthly Chronicle*, vol. 111, #1, Jan 1966, 29.

and security. It also reinforced the UN's jurisdiction over Members and non-members alike. Following the UN's involvement in the Congo and its increasing concerns over a similar problem in Vietnam, the UN seemed to take a bold step forward. The UN, with the support of its Members, appeared to fulfill the dreams of its founders—to be the world's policemen. This signified a courageous reaction to the stymieing effects of the Cold War. The UN seemed to say that it would no longer sit idly by and watch the great powers impede the progress of an organization they had created but one that had matured and embraced the enormous responsibilities assigned to it: the child had finally begun to toddle.⁸

It was in this setting that the US launched an offensive on the UN for support and, ideally, intervention. The Vietnam question was discussed, debated, and dwelled upon extensively throughout 1966 and the United States was the Member most active in soliciting UN involvement. As early as January, Ambassador Arthur Goldberg, having stepped down from the US Supreme Court to head the American delegation (following Adlai Stevenson's sudden death six months earlier), delivered his government's desire to bring peace to Vietnam. The American

⁸ Ibid.

demands had loosened and Goldberg was eager to share the revised conditions. The extensive bombing campaign had been halted indefinitely and the US was ready to negotiate without preconditions. The US was adamant in that it had no territorial or colonial interests in Vietnam and would withdraw immediately once it was assured South Vietnam would be free from "external interference."⁹ Lastly, Goldberg called for a resumption of the plan for a free election to decide whether or not the two Vietnams should reunify (a hark back to the Geneva Accords). The fact that the US was insistent in its claim that it was ready to negotiate without preconditions is only partly true. The US did indeed have specific preconditions and would insist upon some of them throughout the war. One such precondition was the refusal to negotiate while the North Vietnamese army (NVA) continued its aggression on the South. Another precondition emphasized the US would not leave South Vietnam until its freedom from aggression was assured. Thus, the only real olive branch that was extended to the North Vietnamese in late 1965/early 1966 was the temporary cessation of bombing.

The Secretary-General responded in kind, stating the bombing halt had made discussions more likely. He reiterated his

⁹ Lowenheim, et al, 579.

belief that the reconvening of the Geneva Conference was the best environment for bringing peace to Vietnam. That way all nations involved in the War, including China and the DRV (who both opposed UN interference) could be involved. In closing, however, Thant emphasized his belief that the UN could not take part in the peace process because of the membership issue. He further obstructed the UN's peace process by stating he did not find it beneficial to debate the Vietnam issue in the Security Council.¹⁰

Thant's statements not only contradict one another but also signify a complete departure from his actions earlier in the War. His shift in attitude—and the reasons for such a shift—must be addressed here. He stated at a press conference in April of 1965 that he had been “consistently opposed” to Security Council involvement in the Vietnam War.¹¹ This is not entirely true. He tried in earnest to personally and secretly negotiate the war—not because he opposed Security Council or UN involvement, but because China would not have anything to do with the UN while it was excluded from membership. Just as the 1954 Geneva Conference had taken place outside the confines of the UN (as France was the only UN Member involved), Thant reasoned that a contemporary settlement should be sought at another Geneva-type

⁹ United Nations, *Yearbook of the United Nations*, 1966, 146.

setting with a Geneva-type format because now the US was the only party that was a Member of the UN. Thant felt, and rightfully so, that the Security Council could only make a legitimate and genuine contribution if every party to the dispute had a voice within its chamber, yet both the DRV and the People's Republic of China had made it quite clear that neither state respected the UN nor wanted it involved in a solution.

Almost one month later, on 12 May at another press conference, Thant stated that the decision to leave the Vietnam problem to the specific countries involved was a decision a vast majority of UN Members held. Before 1966, evidence of this is not readily found. If anyone wanted the issue resolved outside of the UN, Thant perhaps was the most adamant, but again, this is had not always been the case. Thant felt harmony within the UN was the primary political responsibility of the Secretary-General, so he was motivated, perhaps, to let sleeping dogs lie.¹² It goes without saying that the Vietnam War had been a "hot" topic in the UN since 1964 and would only grow hotter through 1966. It is difficult to accept, however, that of the over one hundred UN Members (in 1965 and 1966), the majority of them agreed the war should be solved without their assistance, skills, or commitment to

¹⁰ Ibid., 147.

peace. Several nations had assisted in secret negotiations as primarily hosts and messengers. In addition, 107 of the 110 delegates who spoke in the General Debate of the opening session of 1966 stated their grave concerns regarding the War.¹³ The fact that so many of these Members fell within a superpower's sphere of influence also makes Thant's claim hard to swallow.

Still, the United States remained hopeful that the United Nations could help solve the Vietnam problem. On 31 January, Goldberg requested an urgent meeting of the Security Council to consider the worsening situation in Vietnam. Not since 4 August 1964, following the Tonkin Gulf Incident, had the US requested a special meeting of the Security Council to address the War in Vietnam. Goldberg explained his request for the emergency meeting: he wished to announce to the world that: 1) it was urgent the US find a way to end the war; 2) every other effort to do so had failed; and 3) it was the Council's primary responsibility to maintain international peace and security. Along with this request, Goldberg submitted a draft resolution to the Council. If approved, the Council would order a cease-fire, hold immediate discussions toward ending the hostilities, and finally, arrange for a conference to review, endorse and ultimately enforce the Geneva Accords.

¹³ Ibid.

The Security Council heeded the American delegation's call to meet and did so on 1 and 2 February. To begin, the United States once again pleaded its case for its involvement in Vietnam—it was there only to defend an aggressed nation whose rights had been violated according to the Geneva Accords. Because the US had no territorial or strategic ambitions in Vietnam, it wanted peace at any cost: that was its ultimate goal in Southeast Asia.¹⁴

In an effort to achieve peace, Goldberg argued, the US supported a reconvening of the Geneva Conference but still faced considerable opposition. As Co-Chairman of the Geneva Conference, the United Kingdom had officially requested a reconvening of the Conference, but the USSR, the other Co-Chairman, opposed. In addition, neither North Vietnam nor China expressed an interest to negotiate, regardless of the format or circumstances.¹⁵ Goldberg argued convincingly that the US seemed to be the only nation interested in achieving peace in Vietnam. Both bombing halts were sincere efforts on the part of the United States' desire for peace, but neither halt was reciprocated: infiltration into South Vietnam and Vietcong terrorist acts still continued. Because no other nation seemed to want

¹² Thant, 31.

¹³ United Nations, *Yearbook of the United Nations*, 1966, 152.

¹⁴ *Ibid.*, 147.

¹⁵ *Ibid.*, 147-8.

peace, the US could not achieve this goal on its own. The US felt compelled, therefore, to approach the UN and the Security Council once again for help.

The Soviet Union was adamantly opposed to settling the Vietnam War in the Security Council. The Soviets argued that the settlement should be sought within a Geneva-type framework outside the UN. On a related note, the USSR accused the US of violating the Geneva Accords (of 1954), specifically by refusing to recognize the National Liberation Front (NLF) as the sole representative of the people of South Vietnam.¹⁶

¹⁶ This accusation is interesting for two reasons. First, it marks a major shift in the NLF's role in the Vietnam War. As the political arm of the Vietcong, the NLF had a genuine interest in making South Vietnam communist. Prior to 1966, the DRV had argued that the NLF had to be present (thus, officially recognized) in all negotiations. The Republic of South Vietnam, despite its revolving door leadership, consistently refused to acknowledge the NLF, so formal negotiations never occurred. When the Vietcong all but ceased to exist once the Tet Offensive was repelled in 1968, the NLF lost considerable clout. By 1966, however, the Soviets had taken a different approach. With the failure of several South Vietnamese regimes, each incapable of rooting themselves and garnering any significant public support, combined with the success of the Vietcong's infiltration and terrorism, both the DRV and the Soviet Union were encouraged to demand the US recognize the NLF as the sole representative of the South Vietnamese people. The Soviet accusation that the US was violating the Accords by not recognizing the NLF is interesting for another reason. The Geneva Accords—a 13-point declaration summarizing the parties' conclusions—nowhere mentions the agreement to recognize the NLF as the sole representative of South Vietnam. The NLF was not even present at the Geneva Conference. In fact, it was not even established until the end of 1960. The Accords did call for a national election (in both North and South Vietnam) in 1956 so that the people could determine for themselves their political fate. The elections never occurred because the other points of the Accords were violated, namely infiltration of the 17th parallel and foreign assistance in aggression. The US was in a unique position to give the communists a taste of their own medicine. China and the DRV argued throughout the War that the United Nations was not the environment to settle the conflict because they were not Members. By applying that rationale, the US could argue that it did not have to

The Soviets continued with their accusations, criticizing the US for its disingenuous behavior. Specifically, the decision to bring the Vietnam question to the Security Council while simultaneously resuming its bombing campaign on the North was both hypocritical and transparent; the US was using the UN and the Security Council to stage a “propaganda show.”¹⁷ The Soviets claimed the DRV, too, had expressed an interest in negotiating and had even publicized its conditions (observe its Four Point Proposal and cease its aggression campaigns unconditionally.)¹⁸ Only once the US agreed to these conditions, the Soviets argued, could the Vietnam War be settled. The Soviet Union shared in the consensus that the settlement should be found within the framework of the Geneva Conference (i.e. a reconvening of the Conference), where all parties could be involved and confer as equals. The Soviet delegate then read from a letter he received from the NLF that it opposed Security Council involvement and would consider any decision made by the Council “null and void.”¹⁹

adhere to the Geneva Accords because it did not sign the agreement. It attended the Conference solely as a concerned spectator.

¹⁷ Ibid., 148.

¹⁸ Ibid., 148, 149. The DRV’s Four Point Proposal, in brief, called for: 1) the withdrawal of all foreign military forces; 2) a promise of non-intervention; 3) a promise of RVN’s self-determination; and 4) a peaceful reunification. See Herring, 74-84.

¹⁹ United Nations, *Yearbook of the United Nations*, 1969, 149.

Now that the superpowers had spoken, it was time for other delegates to speak their peace and pledge their allegiance to a superpower. These allegiances were, not surprisingly, very predictable. Bulgaria and France opposed putting the Vietnam question on the Security Council's agenda for similar reasons, namely: the membership issue necessitated an alternative environment and a reconvening of the Geneva Conference was the best possible solution. More tepid opposition came from the African nations of Mali, Nigeria, and Uganda.²⁰ The Malinese and Nigerian delegates supported the right of the US to bring the Vietnam question to the Security Council, however, both delegates regarded the attempt to seek a UN sponsored solution as futile while the majority of the parties involved were not Members. If all Members could have an equal voice, then a UN solution would be possible. In consideration of several parties' opposition to UN involvement, the Malinese delegate suggested a Geneva-type solution as a viable alternative. Uganda, interestingly enough, stated the Vietnam question should have been brought to the Security Council long before the US began its bombing campaign

²⁰ The fact that these three nations were former European colonies and gained their independence with the help of the UN and its Trusteeship Council is ironic. Mali received its independence from France in 1960, Nigeria and Uganda from Great Britain in 1960 and 1962, respectively. The difference is each of these countries acquired their independence peacefully. Why these nations did not

(Operation Rolling Thunder began 24 February 1965), suggesting the problem could have been solved then and with more cooperation from more non-Members.²¹

The United States' most ardent supporters were the United Kingdom and New Zealand. Both delegates approved of the United States' decision to bring Vietnam to the Security Council and argued the United States had no choice but to bomb North Vietnam as the DRV persisted in its refusal to negotiate. Additional support came from the nations of Argentina, Nationalist China, Japan, Jordan, the Netherlands, and Uruguay. In stating their approval, several of these delegates reminded their fellow delegates that it was the primary responsibility of the United Nations, and the Security Council specifically, to maintain international peace and security. The nation of Jordan supported all efforts in achieving peace in Vietnam, whether they were prompted in the UN or elsewhere. In addition, it expressed its belief that, if the issue was placed on the Security Council's agenda, it could be dealt with fairly and all parties concerned could be heard without prejudice.

argue for UN intervention in hopes of bringing peace and independence to Vietnam is incomprehensible.

²¹ Ibid. Uganda had been a Member for two years when the US brought Vietnam to the Security Council following the Tonkin Gulf Incident in August of 1964. Again, the issue was never placed on the Security Council's agenda:

The Netherlands, host to The Hague, warned the delegates that the Security Council would embrace a “serious precedent” by refusing to consider the Vietnam question.²² Perhaps in an effort to empower the Security Council, the Dutch delegate reminded his listeners that the Membership argument was not final: Article 2, paragraph 6 of the UN Charter, again, gave the UN the authority and responsibility to ensure non-members respect the principles of the Charter, especially as they pertain to the maintenance of international peace and security. Like Jordan, the Netherlands agreed that all parties should be invited to participate in the discussions. As far as the Geneva Conference was concerned, the Netherlands diffused the claim that the Vietnam issue should be resolved by a reconvening (of the 1954 Conference), stating the intention of a UN sponsored discussion would be solely to arrange a “pre-conference” focusing on applying the Geneva Accords (just as the United States’ draft resolution had proposed); only discussions on the Accords’ principles could bring about a solution.²³

On 2 February, three days after Ambassador Goldberg requested the Security Council to meet to discuss Vietnam and two

the US simply notified the Council of the Incident in an effort to justify its subsequent retaliation upon the DRV.

²² Ibid.

²³ Ibid.

days after the delegates deliberated over the benefits of officially considering the issue, the Council voted whether or not to place the Vietnam issue on its agenda. This was a procedural issue, as opposed to a substantive issue, so the veto did not apply. The Security Council voted and approved the American proposal by a vote of 9 to 2 with 4 abstentions. Upon the affirmative ruling, the President of the Security Council, Akira Matsui of Japan, suggested the Members of the Security Council recess and informally discuss among themselves a plan for the best way to continue exploring the Vietnam question. The Security Council approved of the suggestion and so recessed to confer with one another for nearly the entire month of February.

On 26 February, Matsui announced to the Council that various Members had not consulted with one another over the last month. He concluded many had serious reservations with the benefits of bringing the issue onto the agenda and formally debating it. Many had agreed that the Vietnam problem was in dire need of a solution and that this proper solution could only be found and achieved in an "appropriate forum;" sadly Matsui implied this forum was outside the Security Council. In the

meantime, the president stated the Security Council remained “seized.”²⁴

On the surface, this appeared devastating to the United States and its desire to get the Security Council involved. On the other hand, there was a backlash from the Security Council Members, upset that Matsui had excused the Vietnam topic from the agenda so cavalierly. France, the USSR, Mali, and Bulgaria all expressed their strong resentment of Matsui’s unprecedented action: his decision apparently was one he reached on his own.²⁵ If the Security Council Members were so adamant about making the decision themselves and as a group, there was hope for the US in getting help with Vietnam.

With hope (for UN involvement) restored, the Security Council resumed to discuss publicly and collectively how to solve the Vietnam problem. Ambassador Goldberg informed the Council that the United States not only wanted to stop its bombing campaign, it wanted to stop the War. He reiterated his government’s desire to negotiate and supported a reconvening of the Geneva Conference.²⁶

The Soviet Union and its satellite delegates condemned the United States for broadening its aggression by bombing industrial

²⁴ United Nations, *Yearbook of the United Nations*, 1966, 150.

facilities in North Vietnam while simultaneously calling for peace. The United Nations, they claimed, would not serve as a “cloak” for American aggression.²⁷ They reiterated the DRV’s Four Point Proposal, adherence to the Geneva Accords and insisted the NLF be recognized as the sole representative of the people of South Vietnam.

One important and damaging change did occur. In a speech to the General Assembly on 1 September, Secretary-General Thant announced his decision to step down from his lofty position at the conclusion of his ten-year term. Although he did not say it specifically, Thant inferred that it was the worsening situation in Vietnam and his inability to participate that had encouraged his decision. He repeated his convictions that the only settlement could come from political negotiations devoid of “power politics” under the framework of the Geneva Conference and the principles contained in the UN Charter because the problem in Vietnam remained one of national identity, not ideology.²⁸

The surprising and disappointing news from Thant brought the Vietnam problem into the General Assembly as if it were a

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

hurricane. Many delegates applauded Thant's work with the UN and his diligence in trying to bring peace to Vietnam. Several delegates, in fact, tied the intransigence of the superpowers to Thant's retirement. Some even suggested if the United States stopped its bombing campaign and withdrew from Vietnam, Thant would reconsider.²⁹ Sadly, nothing was achieved within the General Assembly because the superpowers were not willing to compromise their aims.

The US, however, was indeed feeling the heat of international dissension. It answered the General Assembly's concerns and suggestions. The US promised to stop all bombing and de-escalate its efforts when the DRV ceased its infiltration upon the RVN. Secondly, the US would pursue a schedule working towards withdrawal and international supervision (i.e. the United Nations or the ICC). As to recognizing the NLF as the sole representative in South Vietnam, the US coined it an "insurmountable problem."³⁰ The American proposals received support and praise from 20 delegations. The representative from the Netherlands, for example, stated the US was the only party making a concession; the American offer to deescalate was not countered with a concession from the DRV. The United Kingdom

²⁹ Ibid.

agreed, stating the DRV's refusal to respond to American peace initiatives was the obstacle to a peaceful settlement.³¹

There were, of course, a number of delegations that opposed the American proposals and once again condemned the US for its continued aggression against the people of Vietnam. Another common argument made at this time was that the United States was responsible for preventing the unification of Vietnam. It seemed clear to many that the Vietnamese people had selected a communist form of government. The Vietnamese people in the South wanted the NLF to represent them and the VC and NVA were doing their patriotic duty to bring communism to the people in South Vietnam. But the United States was preventing this by waging war on North Vietnam and fighting the Vietcong in South Vietnam. As the USSR saw things, "the aggressor had come to Viet-Nam: the aggressor should leave."³² In addition, the delegate from the Byelorussian Soviet Socialist Republic condemned the United States of applying political and economic pressure to twist the arms of its "puppets:" South Korea, Australia, New Zealand, *et al* to aid its "criminal venture" in Vietnam.³³ France, the irrepressible colonialists, reiterated its platform: the US must

³⁰ Ibid.

³¹ Ibid., 154.

³² Ibid.

³³ Ibid., 155.

return to the Geneva Agreements and withdraw its troops and forever refrain from interfering in a neutral Vietnam.

In an effort to keep the peace proposals on track, Lord Caradon, the United Kingdom representative, spoke up again and implored the USSR to join them in reconvening the Geneva Conference. He offered a detailed list of proposals that he hoped the parties concerned in the dispute could agree upon. The proposals included: 1) a conference with all parties in attendance; 2) an American bombing halt once the conference had been mutually agreed upon and for as long as the conference showed progress; 3) an American moratorium on troop and materiel buildup; 4) a DRV moratorium on troop introduction into South Vietnam; 5) a mutual suspension of hostilities to endorse a cease-fire as a preliminary step toward a conference; 6) a negotiated settlement utilizing the Geneva Accords as a foundation. Finally, Caradon suggested the ICC be strengthened with more representation (beyond a Canadian, Indian, and Polish representative) and empowered with a peacekeeping force similar to UNEF (serving in Cyprus). The Canadian delegate supported the latter proposal, claiming it would make the ICC's job considerably more effective.³⁴

³⁴ Ibid.

Now that the delegations had shared their proposals, the Assembly moved to hear arguments for and against these proposals. It was emphasized from the outset by a clear majority of delegations—regardless of their political ideologies—that an immediate cessation of hostilities was the first priority followed closely by a move to the conference table. The fact that so many nations had expressed their desire for peace was an important first step. Accordingly, the nations moved to the next topic: whether or not the United Nations should play a role in bringing peace to Vietnam. This is what the US had been hoping for: international pressure for peace had mounted to the extent that the Vietnam problem engulfed the Cold War power politics being waged in the Security Council. The situation had been discussed at great length and, finally, the issue of UN involvement was going to be debated and discussed in earnest within the General Assembly. If the United States was lucky, pressure from the Assembly could push the DRV or the Soviets (who in turn would push the DRV) to negotiate.

There were several delegations that argued in favor of UN involvement. The ambassador from Guatemala argued the UN should do everything it could and more to initiate and supervise peace negotiations. The Israeli delegation took a big step forward

and argued the UN had a “moral responsibility” to take charge of the Vietnam problem. On the other hand, New Zealand’s representative confessed the United Nations may not be the best environment to resolve the Vietnam problem; however, it was the ideal place to get parties to the conference table. Overall, a majority of the delegations that wished for either direct or indirect involvement ultimately concurred with their Secretary-General as long as there were so many non-Members involved and so much opposition to UN involvement among those non-Members—intervention was unrealistic.³⁵ It is unclear how these delegations could simultaneously argue for UN involvement and oppose intervention. Any form of involvement could be regarded as intervention. Regardless, it seems military intervention—the kind used in Korea and the Congo—would not be possible as it lacked sufficient UN support.

Once again, a clear majority agreed that the Geneva Accords represented the ideal place to start and that negotiations should mirror a Geneva-type setting. The latter was concluded to be the most “user-friendly” format because it was a forum that could involve just the immediate parties and could meet outside the United Nations, which was the source of resentment among many

³⁵ Ibid., 156.

non-Members. In addition, these delegates supported Thant's Three Point Proposal, which essentially mirrored the recommendations these and other delegates offered during their previous debates (see Appendix G).³⁶ It should not come as a surprise that several delegations also implored the United States to end its bombing campaign. It was this horrific program that was not only bringing devastation to North Vietnam, but also the primary hurdle to commencing negotiations. As a super power "with special responsibilities for world peace," the US should make the first move towards peace and it was generally understood that a bombing halt was the first step.³⁷

It was quite evident that, by now, the United States would approve any kind of conference. It had already promised negotiations without preconditions along with 13 other proposals, including a cessation of all hostilities as a precursor to negotiating. This, of course, included the bombing campaign. The United States supported a conference within a Geneva type framework and using the Geneva Accords as a jumping off point for "suitable updating and strengthening."³⁸ The US reiterated that hostilities would stop once the US was assured the DRV would not continue sending NVA troops across the DMZ (which is technically a

³⁶ Ibid., 153, 156.

precondition). The fact that the US was ready to negotiate for peace while the DRV refused to negotiate is once again the basic, fundamental issue that prevented a peaceful (and early) settlement to the War. Ho Chi Minh and the Democratic Republic of Vietnam had banned the UN from Vietnam.

³⁷ Ibid., 157.

³⁸ Ibid.

Chapter 14

1967-1968

As difficult as it is to believe, the Vietnam War and the United Nations would not cross paths again. This outcome is tragic in that the War was only escalating—resulting in more deaths, more destruction. American prestige in the international arena was fading by the month. This was a far cry from the reputation and prestige the US enjoyed following the second World War. Internally, skepticism was just as strong. Americans took a long, hard look at their government's Vietnam policies and long-term goals in Southeast Asia. Any remaining support that followed Johnson into Vietnam in 1966 had all but vanished by the end of 1968. By 1969, Johnson, McNamara, Rusk, General Westmoreland, and Henry Cabot Lodge would be far from a war they each spent years pursuing and advocating. Sadly, leaders synonymous with peace and justice like Martin Luther King and Robert Kennedy would succumb to an assassin's bullet. Hope, courage and patriotism—traditional American cornerstones—were buried under the rubble of haunting television images, reports of

rampant drug abuse and racial dissonance, fragging, the Tet Offensive, and the My Lai Massacre.

The fact that the Vietnam War did not find its way back into the United Nations does not come as a surprise. The simplest explanation is found in 1966. The United States went to the Security Council in search of assistance and came up empty handed. The Johnson administration concluded that another effort would surely bring about the same results. Instead, the US stepped up its military efforts. On 22 February, the US launched Operation Junction City, the largest military operation in Vietnam to date. 22 US Army battalions and 4 ARVN battalions flooded the provinces northwest of Saigon. The operation would come to a close in mid-May with 2,728 casualties.¹ After the initial shock of the attack on Khe Sanh and the Tet Offensive in early 1968, US troops repelled and essentially removed the Viet Cong as a threat. As a result, the US was able to start fighting NVA regulars in more conventional engagements, as they had at the end of 1965 in the Battle of Ia Drang Valley.

Nonetheless, the US would continue to suffer heavy casualties and commit more troops in an increasingly unpopular war. 10,000 US troops were reported killed in action in Vietnam

¹ Summers, 41.

in 1967, over 14,000 in 1968.² Not surprising, US troop presence would peak in late April of 1969 at 543,400 but begin its steady decline soon after.³ In August of 1967, Secretary of Defense Robert McNamara confessed before Congress that the bombing in North Vietnam was ineffective in breaking North Vietnam's ability to continue fighting.⁴ Johnson would terminate the bombing campaign on North Vietnam at the end of October in 1968. These decisions were not enough to placate an American public. Mass demonstrations and violent riots would receive international attention and shock the administration: it sent a cruel and clear message that the American people wanted the US out of Southeast Asia.

The Vietnam problem would leave the United Nations the same surreptitious way it had emerged: with a Cambodian complaint. In 1964, Cambodia lodged a formal complaint to the Security Council against the US and the RVN for repeated aggression against Cambodian civilians and property. In 1967 and 1968 collectively, Cambodia would lodge virtually the same complaint to the Security Council over 100 times! Once again, joint US and RVN units had violated Cambodian territory, air space, and waters in their pursuit of Vietcong units. The

² Ibid., 44, 48.

Cambodians alleged both American and South Vietnamese troops used booby traps, gunfire, artillery, mines, helicopters, and fighter planes to bring death and destruction to Cambodian peasants and their homes, fields, and livestock. Cambodian soldiers, situated in guard posts within the affected border areas, were also wounded and killed in various incidents as a result of these indiscriminate attacks. The Cambodian delegate informed the Security Council that several groups, including the ICC and press attachés, had visited and confirmed the areas affected.³

The United States never responded to any of these allegations. The reason the US remained mum is not exactly clear. The RVN, on the contrary, responded to many of these charges. On 28 April, the Permanent Observer of the RVN, reported to the Security Council that the Cambodian government was guilty of the same aggression charges. He alleged that, between May of 1966 and March of 1967, Cambodian armed forces violated RVN territory more than a dozen times and engage in the forcible abduction of several Vietnamese nationals and their livestock. The Cambodians denied these countercharges and accused the RVN of joining the US in a propaganda war to curry international favor for

³ Ibid., 50.

⁴ Karnow, 683.

⁵ United Nations, *Yearbook of the United Nations*, 1967, (United Nations (NY): United Nations Office of Public Information, 1969), 151.

their combined aggression against the neutral and autonomous Cambodia. As in 1964, the RVN confessed to some of the border crossings and, while reiterating the ongoing problem of no identifiable boundary lines between the two nations, it apologized for the incidents and agreed to pay restitutions to the Cambodian victims.⁶

The Cambodian accusations continued at a frenetic pace the following year. The nature of the complaints was very similar to those of 1967 and 1964, although in 1968, the problems became considerably more complex. Accordingly, so would the solutions. The Security Council, for example, was informed that, on 20 May, a Cambodian patrol captured a Philippine tugboat in Cambodian waters. The boat contained 8 Filipinos and 2 Americans—both of whom were armed. The Americans were released two weeks later, in tribute to the memory of the late Robert F. Kennedy (who was assassinated on 6 June).⁷ Two months later, an American vessel and its crew were seized by another Cambodian patrol after wandering into Cambodian waters (the same location, in fact, as the 20 May incident). The United States employed the Australian embassy in Cambodia to transmit a message to the government in Phnom Penh and apologize for the incident and requesting the

⁶ Ibid., 151-2.

return of its vessel. The Cambodian delegate complained to the Security Council that this was the second incident in which the US government had pleaded ignorance in its knowledge of Cambodian boundaries in the Gulf of Siam. Furthermore, the delegate warned that unless the US confessed to an earlier helicopter attack in which 14 peasants were killed, the Cambodian government would not surrender the vessel. The issue was not addressed or discussed any further within the Security Council.⁸

These exchanges in the Security Council personified United States-Cambodia relations: clouded, devoid of direction and closure. In addition, the incidents involving US soldiers in Cambodia were a dark sign of things to come. Cambodia's animated leader, Prince Norodom Sihanouk, summed up Cambodia's situation in the Vietnam War perfectly: "we are a country caught between the hammer and the anvil."⁹ Assured their neutrality at the Geneva Conference in 1954, Cambodia

⁷ United Nations, *Yearbook of the United Nations*, 1968, (United Nations (NY): United Nations Office of Public Information, 1971), 186.

⁸ *Ibid.*, 186. The seized vessel was probably a 50ft. US Navy Swift boat, part of the Navy's Coastal Surveillance Force and its business in Cambodian waters was likely of a reconnaissance nature. It also probably signified a precursor to Operation SEALORDS (Southeast Asia Lake, Ocean, River, and Delta Strategy), a large, joint US-RVN Navy venture established to find and cut enemy supply lines in South Vietnam but emanating from Cambodia. To monitor the supply lines, the US Navy placed barriers comprised primarily of electronic sensors in the waterways along the Cambodian border, coastline, and waterways. Although Operation SEALORDS is a more plausible motive/explanation for US vessels in Cambodian waters, the Operation was not

looked to the US for protection just as South Vietnam had. But once the US troop buildup got underway in South Vietnam, Sihanouk would jump ship and side with the Chinese. He severed diplomatic relations with the US and would eventually host the Ho Chi Minh Trail and a number of bases that served as supply stations (the port city of Sihanoukville was also opened to receive and store war supplies for the Vietcong and the NVA). This vast supply system would prove invaluable to the DRV's war effort, especially during the planning stages for the Tet Offensive. Inexplicably and as quickly as before, Sihanouk jumped ship again, restored diplomatic relations with the US and authorized Johnson to send troops into Cambodia for "hot pursuit" of enemy troops. Once Nixon moved into the Oval Office, however, hot pursuit came in the form of secret B-52 bombing raids.¹⁰ Public outrage intensified exponentially once news of the raids was leaked and culminated with the student shootings at Kent State and Jackson State Universities.

Outside of the UN, 1968 is important in that it marked the beginning of the end for the American commitment in Vietnam. The year essentially started with the Tet Offensive and concluded

launched until October 1968—almost three months after the above seizure took place. See Summers, 125, 306-7.

⁹ Karnow, 590.

¹⁰ Ibid., 589-91.

with Richard Nixon's inauguration. It was during this year that the decision was made in Washington to discontinue escalation and begin pursuing secret peace talks with North Vietnam in Paris. Much more would happen between these two dates. The 543 US servicemen killed in action during the second week of February would set an all-time high for casualties (in one week) for the War.¹¹ As mentioned earlier, student demonstrations—both peaceful and violent—would increase dramatically. Secretary of Defense Robert McNamara stepped down (or was relieved of duty), the My Lai Massacre occurred and President Johnson dropped his own bombshell on 31 March when he announced he would not seek reelection. On 31 October, his trick-or-treat announcement of a permanent bombing cessation closed the books on Operation Rolling Thunder, to the relief of doves, the DRV, and the NVA alike. The following month, Richard Nixon was elected president and, amidst the “Vietnamization” of the War and lapses of US aggression (especially in Cambodia), peace talks would continue under Henry Kissinger until 27 January 1973 with the signing of formal cease-fire agreements.

1968 was clearly a year the US would prefer to forget. Whether the incidents in Vietnam aggravated the situation in the

¹¹ Summers, 45.

United States or *vice versa*, policy planners had all but lost hope in winning the war. The fact that the focus would turn to a peaceful settlement but not become a reality until five years later only reinforces the argument that the US was doomed to fail in Vietnam and should have withdrawn much sooner.

Conclusion

Missed Opportunities

It is generally understood that American commitment in Vietnam began with the Tonkin Gulf Incident. At no other time during the Vietnam War did the time seem ripe for UN involvement: the iron was hot and prime for striking. Whereas Article 51 in the UN Charter authorized the United States to retaliate, Articles 39-42 authorized the Security Council to intervene. In fact, Articles 43-49 review and explain how the Security Council could intervene. Further, Articles 52-54 describe how the Security Council could act in conjunction with regional security arrangements and alliances—such as SEATO—to insure peace and security.

Yet, there was no Security Council action (i.e. a condemnation or an observer or peacekeeping force). The fact that the DRV opposed UN involvement from the outset is an insufficient argument: the DRV does not have the authority to dictate UN policies or decisions. There were, in fact, several other parties involved in the hostilities. One of them, the United States, wanted and petitioned for UN involvement. With the powers

assigned to both the General Assembly and the Security Council. the United Nations could have acted on several occasions and at several different levels of involvement during the War.

The UN Charter is not the only document that justified UN intervention in Vietnam. The General Assembly gave itself a helping hand in 1950. Having existed just five short years, it had already become evident that the Security Council's task of maintaining international peace and security could be completely derailed by Cold War power politics. Fearful of this fate, the General Assembly moved to grant itself more power in the realm of peace and security, knowing full well that it was infringing upon the Security Council's domain. Resolution A/377(V) authorized the General Assembly to meet and act when unanimity among the permanent Members of the Security Council proved elusive. The larger, more flexible organ could now meet "to consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security."¹ This special session could be convened by an affirmative vote of seven Members of the Security Council or a

majority request from the General Assembly. Following the request to meet, the emergency session would meet within 24 hours; the General Assembly considered peace and security serious business.

This new and bold resolution, nicknamed the “Uniting for Peace” resolution, also created special committees to execute its conclusions. A Peace Observation Commission was established, consisting of 14 UN Members (including the 5 permanent Members of the Security Council) to “observe and report on the situation in any area where there exists international attention the continuance of which is likely to endanger the maintenance of peace and security.”² Before the Commission could be dispatched, signifying the UN’s intervention, it required the consent or invitation of the nation whose territory had been aggressed. Once the Observation Commission returned from the tempest, the next step was finding a solution. A Collective Measures Committee was established, consisting of 16 UN Members, to study and report to the Security Council and the General Assembly on what methods should be applied to maintain and strengthen international peace and security in a troubled area.³

¹ (United Nations, 302d Plenary Meeting, 3 November 1950, <http://www.un.org/Depts/dhl/landmark/pdf/ares377e.pdf>.)

² Ibid.

³ Ibid.

The General Assembly requested all Members (note: just Members, not non-Members) cooperate with the Committee and its findings. The “Uniting for Peace” resolution has been invoked ten times since its emergence in 1950, the first meeting in 1956, and the most recent in 1997. The majority of the sessions have been convened following the request of the Security Council. Six of the ten sessions have dealt with violence in the Middle East.

With the “Uniting for Peace” resolution well in place by 1964, the UN had the opportunity and now even more authority to intervene in Vietnam. There was enough interest in the Security Council and even more so in the General Assembly to request an emergency session. Secretary-General Thant wanted peace, as did most of the nations around the world. The Republic of Vietnam expressed its approval of any UN consideration given to the United States’ complaint.⁴ Although the resolution addressed UN Members only (as opposed to Article 2’s blanket jurisdiction) it was stated in the resolution and already well understood that the UN mission and its Charter represented a code by which all peace loving nations could abide.

In his annual report to the General Assembly’s 20th session, delivered 20 September 1965, U Thant remarked that the war in

Vietnam was “perhaps the most important of developments on the international scene which had repercussions on the United Nations.”⁵ The enormity of Thant’s comment is awesome. What is troubling is that he suggested the UN was unable to help because of the membership issue (the fact that neither North nor South Vietnam were UN members). The UN can discuss the problem, however, it was unable to act “at the present stage.”⁶ Whether intentionally or not, collectively or individually, both the Security Council and the Secretary-General decided in 1966 that the UN was no longer the proper arena to attain peace in Vietnam. In fact, the UN was no longer the place to even search for peace. If the war in Vietnam was as earth shattering as Secretary-General U Thant had relayed to the General Assembly in a speech on 22 December 1965—that the war had reached a zenith in violence, cruelty, and destruction and more than ever jeopardized superpower relations and world safety—then it appears just as shocking that the UN had seemingly given up hope of intervening by 1966.⁷

⁴ United Nations, *Security Council Official Records, Nineteenth Year, Supplement for July, August and September, 1964*, (New York: United Nations Publishing Office, 1965), 198.

⁵ United Nations, *Yearbook of the United Nations, 1965*, (United Nations (NY): United Nations Office of Public Information, 1967), 85.

⁶ Ibid.

⁷ United Nations, *Yearbook of the United Nations, 1966*, 146.

Was the UN justified in throwing in the towel? The UN Charter, the Uniting for Peace Resolution, and a long history of intervention suggest otherwise. Prior to 1966, the parties to the Vietnam dispute prevented the UN from intervening. But in 1966, the tables turned and it was the UN that essentially prevented any and all parties from involving the organization in the settlement of the Vietnam problem. What was the UN afraid of? Financing a Vietnam mission should not have posed an insurmountable problem. The United States had generously funded a majority of previous UN missions (like Korea and Congo); one can only conclude that the US was prepared to contribute substantially to a UN mission if it was petitioning one in 1966. Likewise, the US had always received financial support and other forms of aid in these missions and could surely count on more of the same from concerned UN Members. Regardless, the UN embraced the argument that the war was out of its jurisdiction due to the fact that so few of the nations involved were actually UN members. On escorting Vietnam out the door, the UN suggested reconvening the 1954 Geneva Conference as an alternative.

The United Nations had the responsibility to intervene in Vietnam yet failed to act. By the mid to late 1960s the United Nations was well established in international affairs. The number

of smaller second and third world countries had swelled within the UN, replacing an institution of exclusively Eastern or Western influences. So many of these member nations had expressed their grave concerns in 1965 and 1966 over the destruction in Vietnam, yet no one, Thant included, tried to do anything about it within the UN.

Many of these member nations were new to the UN and owed their independence, in large part, to the UN and its work in decolonization and trusteeship. These new nations should have been privy to the fact that oppressed people need a helping hand to become independent and self-sufficient. Vietnam needed this helping hand and the UN opted not to provide it. The UN, with its new face, allowed itself to be stifled by the superpowers and, by doing so, let death and destruction continue with impunity in Vietnam. These smaller countries had finally assumed the majority in the General Assembly, and by doing so, they represented the overriding decision whether or not to commit peacekeeping forces into regional hotspots like Southeast Asia. If the consensus among UN members regarding Vietnam was the belief that the problem was political and not military, as Thant summarized, then the new majority also had the overriding authority to kick start peace talks or some other form of political

solution. The UN Charter authorized—and obligated—Members to act. The “new UN” failed to do so.

The right of the Vietnamese people to choose their own form of government by way of national elections in 1956—as promised by the Geneva Conference two years earlier, was not carried out or fulfilled. With the failure and/or resistance of the Geneva parties to return to the conference table, the UN should have intervened. In addition, with the establishment of the 17th parallel formally separating two political ideologies and thus two separate nations, each had legitimate claims for UN membership. But the superpowers prevented this too from happening. And the UN let the superpowers get away with it.

The UN’s mission, in part, was to help small nations establish themselves and realize their dreams of national self-determination. Vietnam needed and could have used this help, particularly following the national elections deadline. This is a perfect example of a political solution that the UN endorsed, yet failed to promote. Having shorn the “super shackles,” the new, multi-cultural UN was busy addressing long ignored problems affecting their people like poverty, health, and national development. Vietnam had many of the same problems and required the same attention if not more so than some UN Members.

The UN expressed its concern with Vietnam's plight, but ultimately turned its back on the nation in need.

If the UN truly mirrors world politics instead of shapes them, as some historians argue, then the UN still could have intervened. The General Assembly could have mirrored the American public in its protests against the War. In the United States, the impact of an increasingly vociferous public outrage over the Vietnam War played an enormous factor in the shift in policy (towards the War). This is incontestable. Would the Security Council have been pressured to soften or put aside their obstinate Cold War views had the General Assembly voiced a similarly vocal protest? The power of persuasion suggests so. The similarities between the American public and the General Assembly are striking: both are educated, concerned, multi-faceted advocates of peace. Both groups have a voice that cannot be ignored, both with the power of the vote and the power of free speech. Both groups ultimately exercise the power of persuasion. The American public was eventually successful in bringing an end to the Vietnam War. Could the General Assembly have done the same? Given the UN's microcosmic environment, it seems likely.

Granted, it is questionable whether UN peacekeeping forces would have been effective in Vietnam. Given the

circumstances surrounding their ambiguous success in the Congo, it is likely they would have had similar results in Vietnam.

Perhaps the UN's blue helmet brigade could have helped secure the DMZ and police the Ho Chi Minh Trail. Perhaps they could have taken over the nation building goal to try and win over the "hearts and minds" of the Vietnamese people. Perhaps this observation force could have hastened an American withdrawal, which by 1968, the United States wanted to do, evidenced by the decreasing troop deployment and the "Vietnamization" of the War. Perhaps these combined efforts could have slowed communist infiltration and allowed for general, UN-supervised elections to take place. We will never know.

APPENDIX A

Charter of the United Nations

Signed 26 June 1945 in San Francisco and enacted 24 October 1945

Note: Articles in the UN Charter or portions of Articles that authorize the UN to act in international disputes such as Vietnam have been ***emboldened and italicized***.

WE THE PEOPLES OF THE UNITED NATIONS determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect of the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom.

AND FOR THESE ENDS to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples.

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

CHAPTER I: PURPOSES AND PRINCIPLES

ARTICLE 1

The Purposes of the United Nations are:

1. ***To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;***
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriated measures to strengthen universal peace;
3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and

encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a centre for harmonizing the action of nations in the attainment of these common ends.

ARTICLE 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. *The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.*
7. *Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.*

CHAPTER II: MEMBERSHIP

ARTICLE 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of 1 January 1942, sign the present Charter and ratify it in accordance with Article 110.

ARTICLE 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.
2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

ARTICLE 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

ARTICLE 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

CHAPTER III: THE GENERAL ASSEMBLY

COMPOSITION

ARTICLE 9

1. The General Assembly shall consist of all the Members of the United Nations
2. Each Member shall have not more than five representatives in the General Assembly.

FUNCTIONS AND POWERS

ARTICLE 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

ARTICLE 11

1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.
2. *The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.*

3. *The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.*
4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

ARTICLE 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the Present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.
2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

ARTICLE 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:
 - a. Promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;
 - b. Promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.
2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1(b) above are set forth in Chapters IX and X.

ARTICLE 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

ARTICLE 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.
2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

ARTICLE 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

ARTICLE 17

1. The General Assembly shall consider and approve the budget of the Organization.
2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.
3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

VOTING

ARTICLE 18

1. Each member of the General Assembly shall have one vote.
2. *Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.*
3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

ARTICLE 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

PROCEDURE

ARTICLE 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the

Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

ARTICLE 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

ARTICLE 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER V: THE SECURITY COUNCIL

COMPOSITION

ARTICLE 23

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. *The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.*
2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate reelection.
3. Each member of the Security Council shall have one representative.

FUNCTIONS AND POWERS

ARTICLE 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.
2. In Discharging these duties *the Security Council shall act in accordance with the Purposes and Principles of the United Nations.* The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.
3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

ARTICLE 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

ARTICLE 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

VOTING

ARTICLE 27

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

PROCEDURE

ARTICLE 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.
2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

ARTICLE 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

ARTICLE 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

ARTICLE 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any questions

brought before the Security Council whenever the latter considers that the interests of the Member are specially affected.

ARTICLE 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

CHAPTER VI: PACIFIC SETTLEMENT OF DISPUTES

ARTICLE 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. *The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.*

ARTICLE 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

ARTICLE 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.
2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.
3. The proceedings for the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

ARTICLE 36

1. *The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.*
2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

ARTICLE 37

1. *Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by means indicated in that Article, they shall refer it to the Security Council.*
2. *If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.*

ARTICLE 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII: ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

ARTICLE 39

The Security Council shall determine the existence of any threat to peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

ARTICLE 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

ARTICLE 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include completed or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

ARTICLE 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operation by air, sea, or land forces of Members of the United Nations.

ARTICLE 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

ARTICLE 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of the Member's armed forces.

ARTICLE 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

ARTICLE 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

ARTICLE 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the

employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.
3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.
4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

ARTICLE 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

ARTICLE 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

ARTICLE 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out those measures shall have the right to consult the Security Council with regard to a solution of those problems.

ARTICLE 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. *Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.*

CHAPTER VIII: REGIONAL ARRANGEMENTS

ARTICLE 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.
2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes throughout such regional arrangements or by such regional agencies before referring them to the Security Council.
3. *The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.*
4. *The Article in no way impairs the application Articles 34 and 35.*

ARTICLE 53

1. *The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority.* But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such stated, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a stated.
2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

ARTICLE 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

CHAPTER IX: INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION

ARTICLE 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

ARTICLE 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

ARTICLE 57

- 1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instrument, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.
- 2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

ARTICLE 58

The Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies.

ARTICLE 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

ARTICLE 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

CHAPTER X: THE ECONOMIC AND SOCIAL COUNCIL

COMPOSITION

ARTICLE 61

- 1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election
3. At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.
4. Each member of the Economic and Social Council shall have one representative.

FUNCTIONS and POWERS

ARTICLE 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.
2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.
3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.
4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

ARTICLE 63

1. The Economic and Social Council may enter into agreement with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought

ARTICLE 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.
2. It may communicate its observations on these reports to the General Assembly.

ARTICLE 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

ARTICLE 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connexion with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.
3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

VOTING

ARTICLE 67

1. Each member of the Economic and Social Council shall have one vote.
2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

PROCEDURE

ARTICLE 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

ARTICLE 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

ARTICLE 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

ARTICLE 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

ARTICLE 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

CHAPTER XI:

DECLARATION OF REGARDING NON-SELF-GOVERNING TERRITORIES

ARTICLE 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interest of the inhabitants for these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to the end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

ARTICLE 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

CHAPTER XII: INTERNATIONAL TRUSTEESHIP SYSTEM

ARTICLE 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

ARTICLE 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

ARTICLE 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:
 - a. territories now held under mandate;
 - b. territories which may be detached from enemy states as a result of the Second World War; and
 - c. territories voluntarily placed under the system by states responsible for their administration.
2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

ARTICLE 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

ARTICLE 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

ARTICLE 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.
2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

ARTICLE 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

ARTICLE 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

ARTICLE 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment shall be exercised by the Security Council.
2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.
3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

ARTICLE 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.

ARTICLE 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.
2. The Trusteeship Council, operating under the authority of the General Assembly shall assist the General Assembly in carrying out these functions.

CHAPTER XIII: THE TRUSTEESHIP COUNCIL

COMPOSITION

ARTICLE 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:
 - a. those members administering trust territories
 - b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and
 - c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.
2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

FUNCTIONS and POWERS

ARTICLE 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

ARTICLE 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

VOTING

ARTICLE 89

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

PROCEDURE

ARTICLE 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

ARTICLE 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

CHAPTER XIV: THE INTERNATIONAL COURT OF JUSTICE

ARTICLE 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

ARTICLE 93

1. All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice.
2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

ARTICLE 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.
2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

ARTICLE 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

ARTICLE 96

1. *The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.*
2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

CHAPTER XV: THE SECRETARIAT

ARTICLE 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

ARTICLE 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

ARTICLE 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

ARTICLE 100

1. *In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.*
2. *Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.*

ARTICLE 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.
2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.
3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER XVI: MISCELLANEOUS PROVISIONS

ARTICLE 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.
2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

ARTICLE 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

ARTICLE 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

ARTICLE 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.
2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization.
3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

CHAPTER XVII: TRANSITIONAL SECURITY ARRANGEMENTS

ARTICLE 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

ARTICLE 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

CHAPTER XVIII: AMENDMENTS

ARTICLE 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

ARTICLE 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.
2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.
3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

CHAPTER XIX: RATIFICATION AND SIGNATURE

ARTICLE 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.
2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.
3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.
4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

ARTICLE 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

APPENDIX B

Provisional Rules of Procedure of the Security Council

Chapter I: MEETINGS

Rule 1

Meetings of the Security Council shall, with the exception of the periodic meetings referred to in rule 4, be held at the call of the President [of the Security Council] at any time he deems necessary, but the interval between meetings shall not exceed fourteen days.

Rule 2

The President shall call a meeting of the Security Council at the request of any member of the Security Council.

Rule 3

The President shall call a meeting of the Security Council if a dispute or situation is brought to the attention of the Security Council under Article 35 or under Article 11 (3) of the Charter, or if the General Assembly makes recommendations or refers any question to the Security Council under Article 11 (2), or if the Secretary-General brings to the attention of the Security Council any matter under Article 99.

Rule 4

Periodic meetings of the Security Council called for in Article 28 (2) of the Charter shall be held twice a year, at such times as the Security Council may decide.

Rule 5

Meetings of the Security Council shall normally be held at the seat of the United Nations.

Any member of the Security Council or the Secretary-General may propose that the Security Council should meet at another place. Should the Security Council accept any such proposal, it shall decide upon the place, and the period during which the Council shall meet at such place.

CHAPTER II: AGENDA

Rule 6

The Secretary-General shall immediately bring to the attention of all representatives on the Security Council all communications from States, organs

of the United Nations, or the Secretary-General concerning any matter for the consideration of the Security Council in accordance with the provisions of the Charter.

Rule 7

The provisional agenda for each meeting of the Security Council shall be drawn up by the Secretary-General and approved by the President of the Security Council.

Only items which have been brought to the attention of the representatives on the Security Council in accordance with rule 6, items covered by rule 10, or matters which the Security Council had previously decided to defer, may be included in the provisional agenda.

Rule 8

The provisional agenda for a meeting shall be communicated by the Secretary-General to the representatives on the Security Council at least three days before the meeting, but in urgent circumstances it may be communicated simultaneously with the notice of the meeting.

Rule 9

The first item of the provisional agenda for each meeting of the Security Council shall be the adoption of the agenda.

Rule 10

Any item of the agenda of a meeting of the Security Council, consideration of which has not been completed at that meeting, shall, unless the Security Council otherwise decides, automatically be included in the agenda of the next meeting.

Rule 11

The Secretary-General shall communicate each week to the representatives on the Security Council a summary statement of matters of which the Security Council is seized and of the stage reached in their consideration.

Rule 12

The provisional agenda for each periodic meeting shall be circulated to the members of the Security Council at least twenty-one days before the opening of the meeting. Any subsequent change in or addition to the provisional agenda shall be brought to the notice of the members at least five days before the meeting. The Security Council may, however, in urgent circumstances, make additions to the agenda at any time during a periodic meeting.

The provisions of rule 7, paragraph 1, and of rule 9, shall apply also to the periodic meetings.

CHAPTER III: REPRESENTATION AND CREDENTIALS

Rule 13

Each member of the Security Council shall be represented at the meetings of the Security Council by an accredited representative. The credentials of a representative on the Security Council shall be communicated to the Secretary-General not less than twenty-four hours before he takes his seat on the Security Council. The credentials shall be issued either by the Head of the State or the Government concerned or by its Minister of Foreign Affairs. The head of Government or Minister of Foreign Affairs of each member of the Security Council shall be entitled to sit on the Security Council without submitting credentials.

Rule 14

Any member of the United Nations not a member of the Security Council and any State not a Member of the United Nations, if invited to participate in a meeting or meetings of the Security Council, shall submit credentials for the representative appointed by it for this purpose. The credentials of such a representative shall be communicated to the Secretary-General not less than twenty-four hours before the first meeting which he is invited to attend.

Rule 15

The credentials of representatives on the Security Council and of any representative appointed in accordance with rule 14 shall be examined by the Secretary-General who shall submit a report to the Security Council for approval.

Rule 16

Pending the approval of the credentials of a representative on the Security Council in accordance with rule 15, such representative shall be seated provisionally with the same rights as other representatives.

Rule 17

Any representative on the Security Council, to whose credentials objection has been made within the Security Council, shall continue to sit with the same rights as other representatives until the Security Council has decided the matter.

CHAPTER IV: PRESIDENCY

Rule 18

The presidency of the Security Council shall be held in turn by the members of the Security Council in the English alphabetical order of their names. Each President shall hold office for one calendar month.

Rule 19

The President shall preside over the meetings of the Security Council and, under the authority of the Security Council, shall represent it in its capacity as an organ of the United Nations.

Rule 20

Whenever the President of the Security Council deems that for the proper fulfillment of the responsibilities of the presidency he should not preside over the Council during the consideration of a particular question with which the member he represents is directly connected, he shall indicate his decision to the Council. The presidential chair shall then devolve, for the purpose of the consideration of that question, on the representative of the member next in English alphabetical order, it being understood that the provisions of this rule shall apply to the representatives on the Security Council called upon successively to preside. This rule shall not affect the representative capacity of the President as stated in rule 19, or his duties under rule 7.

CHAPTER V: SECRETARIAT

Rule 21

The Secretary-General shall act in that capacity in all meetings of the Security Council. The Secretary-General may authorize a deputy to act in his place at meetings of the Security Council.

Rule 22

The Secretary-General, or his deputy acting on his behalf, may make either oral or written statements to the Security Council concerning any question under consideration by it.

Rule 23

The Secretary-General may be appointed by the Security Council, in accordance with rule 28, as rapporteur for a specified question.

Rule 24

The Secretary-General shall provide the staff required by the Security Council. This staff shall form a part of the Secretariat.

Rule 25

The Secretary-General shall give to representatives on the Security Council notice of meetings of the Security Council and of its committees.

Rule 26

The Secretary-General shall be responsible for the preparation of documents by the Security Council and shall, except in urgent circumstances, distribute them

at least forty-eight hours in advance of the meeting at which they are to be considered.

CHAPTER VI: CONDUCT OF BUSINESS

Rule 27

The President shall call upon representatives in the order in which they signify their desire to speak.

Rule 28

The Security Council may appoint a commission or committee or a rapporteur for a specified question.

Rule 29

The President may accord precedence to any rapporteur appointed by the Security Council.

The Chairman of a commission or committee, or the rapporteur appointed by the commission or committee to present its report, may be accorded precedence for the purpose of explaining the report.

Rule 30

If a representative raises a point of order, the President shall immediately state his ruling. If it is challenged, the President shall submit his ruling to the Security Council for immediate decision and it shall stand unless overruled.

Rule 31

Proposed resolutions, amendments and substantive motions shall normally be placed before the representatives in writing.

Rule 32

Principal motions and draft resolutions shall have precedence in the order of their submission.

Parts of a motion or of a draft resolution shall be voted on separately at the request of any representative, unless the original mover objects.

Rule 33

The following motions shall have precedence in the order named over all principal motions and draft resolutions relative to the subject before the meeting:

1. To suspend the meeting;
2. To adjourn the meeting;
3. To adjourn the meeting to a certain day or hour;

4. To refer any matter to a committee, to the Secretary-General or to a rapporteur;
5. To postpone discussion of the question to a certain day or indefinitely; or
6. To introduce an amendment.

Any motion for the suspension or for the simple adjournment of the meeting shall be decided without debate.

Rule 34

It shall not be necessary for any motion or draft resolution proposed by a representative on the Security Council to be seconded before being put to a vote.

Rule 35

A motion or draft resolution can at any time be withdrawn so long as no vote has been taken with respect to it.

If the motion or draft resolution has been seconded, the representative on the Security Council who has seconded it may require that it be put to the vote as his motion or draft resolution with the same right of precedence as if the original mover had not withdrawn it.

Rule 36

If two or more amendments to a motion or draft resolution are proposed, the President shall rule on the order in which they are to be voted upon. Ordinarily, the Security Council shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed until all amendments have been put to the vote, but when an amendment adds to or deletes from the text of a motion or draft resolution, that amendment shall be voted on first.

Rule 37

Any Member of the United Nations which is not a member of the Security Council may be invited, as the result of a decision of the Security Council, to participate, without vote, in the discussion of any question brought before the Security Council when the Security Council considers that the interests of that Member are specifically affected, or when a Member brings a matter to the attention of the Security Council in accordance with Article 35 (1) of the Charter.

Rule 38

Any Member of the United Nations invited in accordance with the preceding rule, or in application of Article 32 of the Charter, to participate in the discussions of the Security Council may submit proposals and draft resolutions. These proposals and draft resolutions may be put to a vote only at the request of a representative on the Security Council.

Rule 39

The Security Council may invite members of the Secretariat or other persons, whom it considers competent for the purpose, to supply it with information or to give other assistance in examining matters within its competence.

CHAPTER VII: VOTING

Rule 40

Voting in the Security Council shall be in accordance with the relevant Articles of the Charter and of the Statute of the International Court of Justice.

CHAPTER VIII: LANGUAGES

Rule 41

Arabic, Chinese, English, French, Russian, and Spanish shall be both the official and the working languages of the Security Council.

Rule 42

Speeches made in any of the six languages of the Security Council shall be interpreted into the five other languages.

Rule 43

[Deleted]

Rule 44

Any representative may make a speech in a language other than the languages of the Security Council. In this case, he shall himself provide for interpretation into one of those languages. Interpretation into the other languages of the Security Council by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

Rule 45

Verbatim records of meetings of the Security Council shall be drawn up in the languages of the Council.

Rule 46

All resolutions and other documents shall be published in the languages of the Security Council.

Rule 47

Documents of the Security Council shall, if the Security Council so decides, be published in any language other than the languages of the Council.

CHAPTER IX: PUBLICITY OF MEETINGS, RECORDS

Rule 48

Unless it decides otherwise, the Security Council shall meet in public. Any recommendation to the General Assembly regarding the appointment of the Secretary-General shall be discussed and decided at a private meeting.

Rule 49

Subject to the provisions of rule 51, the verbatim record of each meeting of the Security Council shall be made available to the representatives on the Security Council and to the representatives of any other States which have participated in the meeting not later than 10 a.m. of the first working day following the meeting.

Rule 50

The representatives of the States which have participated in the meeting shall, within two working days after the time indicated in rule 49, inform the Secretary-General of any corrections they wish to have made in the verbatim record.

Rule 51

The Security Council may decide that for a private meeting the record shall be made in a single copy alone. This record shall be kept by the Secretary-General. The representatives of the States which have participated in the meeting shall, within a period of ten days, inform the Secretary-General of any corrections they wish to have made in this record.

Rule 52

Corrections that have been requested shall be considered approved unless the President is of the opinion that they are sufficiently important to be submitted to the representatives on the Security Council. In the latter case, the representatives on the Security Council shall submit within two working days any comments they wish to make. In the absence of objections in this period of time, the record shall be corrected as requested.

Rule 53

The verbatim record referred to in rule 49 or the record referred to in rule 51, in which no corrections have been requested in the period of time required by rules 50 and 51, respectively, or which has been corrected in accordance with the

provisions of rule 52, shall be considered as approved. It shall be signed by the President and shall become the official record of the Security Council.

Rule 54

The official record of public meetings of the Security Council, as well as the documents annexed thereto, shall be published in the official languages as soon as possible.

Rule 55

At the close of each private meeting the Security Council shall issue a *communiqué* through the Secretary-General.

Rule 56

The representatives of the Members of the United Nations which have taken part in a private meeting shall at all times have the right to consult the record of that meeting in the office of the Secretary-General. The Security Council may at any time grant access to this record to authorized representatives of other Members of the United Nations.

Rule 57

The Secretary-General shall, once each year, submit to the Security Council a list of the records and documents which up to that time have been considered confidential. The Security Council shall decide which of these shall be made available to other Members of the United Nations, which shall be made public, and which shall continue to remain confidential.

CHAPTER X: ADMISSION OF NEW MEMBERS

Rule 58

Any State which desires to become a Member of the United Nations shall submit an application to the Secretary-General. This application shall contain a declaration made in a formal instrument that it accepts the obligations contained in the Charter.

Rule 59

The Secretary-General shall immediately place the application for membership before the representatives on the Security Council. Unless the Security Council decides otherwise, the application shall be referred by the President to a committee of the Security Council upon which each member of the Security Council shall be represented. The committee shall examine any application referred to it and report to its conclusions thereon to the Council not less than thirty-five days in advance of a regular session of the General Assembly is called, not less than fourteen days in advance of such session.

Rule 60

The Security Council shall decide whether in its judgment the applicant is a peace-loving State and is able and willing to carry out the obligations contained in the Charter and, accordingly, whether to recommend the applicant State for membership.

If the Security Council recommends the applicant State for membership, it shall forward to the General Assembly the recommendations with a complete record of the discussion.

If the Security Council does not recommend the applicant State for membership or postpones the consideration of the application, it shall submit a special report to the General Assembly with a complete record of the discussion.

In order to ensure the consideration of its recommendations at the next session of the General Assembly following the receipt of the application, the Security Council shall make its recommendation not less than twenty-five days in advance of a regular session of the General Assembly, nor less than four days in advance of a special session.

In special circumstances, the Security Council may decide to make a recommendation to the General Assembly concerning an application for membership subsequent to the expiration of the time limits set forth in the preceding paragraph.

CHAPTER XI: RELATIONS WITH OTHER UNITED NATIONS ORGANS

Rule 61

Any meeting of the Security Council held in pursuance of the Statute of the International Court of Justice for the purpose of the election of members of the Court shall continue as many candidates as are required for all the seats to be filled have obtained in one or more ballots an absolute majority of votes.

APPENDIX C

The Final Declaration of The Geneva Conference: On Restoring Peace in Indochina,

21 July 1954

Final declaration, dated July 21, 1954, of the Geneva Conference on the problem of restoring peace in Indochina, in which the representatives of Cambodia, the Democratic Republic of Viet-Nam, France, Laos, the People's Republic of China, the State of Viet-Nam, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America took part.

1. The Conference takes note of the agreements ending hostilities in Cambodia, Laos, and Viet-Nam and organizing international control and the supervision of the execution of the provisions of these agreements.
2. The Conference expresses satisfaction at the ending of hostilities in Cambodia, Laos, and Viet-Nam. The Conference expresses its conviction that the execution of the provisions set out in the present declaration and in the agreements on the cessation of hostilities will permit Cambodia, Laos, and Viet-Nam henceforth to play their part, in full independence and sovereignty, in the peaceful community of nations.
3. The Conference takes note of the declarations made by the Governments of Cambodia and of Laos of their intention to adopt measures permitting all citizens to take their place in the national community, in particular by participating in the next general elections, which, in conformity with the constitution of each of these countries, shall take place in the course of the year 1955, by secret ballot and in conditions of respect for fundamental freedoms.
4. The Conference takes note of the clauses in the agreement on the cessation of hostilities in Viet-Nam prohibiting the introduction into Viet-Nam of foreign troops and military personnel as well as of all kinds of arms and munitions. The Conference also takes note of the declarations made by the Governments of Cambodia and Laos of their resolution not to request foreign aid, whether in war material, in personnel, or in instructors except for the purpose of effective defense of their territory and, in the case of Laos, to the extent defined by the agreements on the cessation of hostilities in Laos.
5. The Conference takes note of the clauses in the agreement on the cessation of hostilities in Viet-Nam to the effect that no military base at the disposition of a foreign state may be established in the regrouping zones of the two parties, the latter having the obligation to see that the zones allotted to them shall not constitute part of any military alliance and shall not be utilized for the resumption of hostilities or in the service of an aggressive policy. The Conference also takes note of the declarations of the Governments of Cambodia and Laos to the effect that they will not join in any agreement with other states if this agreement includes the obligation to participate in a military alliance not in conformity with the principles of the charter of the United Nations or, in the case of Laos, with the principles of the agreement on the cessation of hostilities

in Laos or, so long as their security is not threatened, the obligation to establish bases on Cambodian or Laotian territory for the military forces of foreign powers.

6. The Conference recognizes that the essential purpose of the agreement relating to Viet-Nam is to settle military questions with a view to ending hostilities and that the military demarcation line should not in any way be interpreted as constituting a political or territorial boundary. The Conference expresses its conviction that the execution of the provisions set out in the present declaration and in the agreement on the cessation of hostilities creates the necessary basis for the achievement in the near future of a political settlement in Viet-Nam.
7. The Conference declares that, so far as Viet-Nam is concerned, the settlement of political problems, effected on the basis of respect for the principles of independence, unity, and territorial integrity, shall permit the Vietnamese people to enjoy the fundamental freedoms, guaranteed by democratic institutions established as a result of free general elections by secret ballot.
In order to insure that sufficient progress in the restoration of peace has been made, and that all the necessary conditions obtain for free expression of the national will, general elections shall be held in July 1956, under the supervision of an international commission composed of representatives of the member states of the International Supervisory Commission referred to in the agreement on the cessation of hostilities. Consultations will be held on this subject between the competent representative authorities of the two zones from April 20, 1955, onwards.
8. The provisions of the agreements on the cessation of hostilities intended to insure the protection of individuals and of property must be most strictly applied and must, in particular, allow every one in Viet-Nam to decide freely in which zone he wishes to live.
9. The competent representative authorities of the northern and southern zones of Viet-Nam, as well as the authorities of Laos and Cambodia, must not permit any individual or collective reprisals against persons who have collaborated in any way with one of the parties during the war, or against members of such persons' families.
10. The Conference takes note of the declaration of the French Government to the effect that it is ready to withdraw its troops from the territory of Cambodia, Laos, and Viet-Nam, at the request of the governments concerned and within a period which shall be fixed by agreement between the parties except in the cases where, by agreement between the two parties, a certain number of French troops shall remain at specified points and for a specified time.
11. The Conference takes note of the declaration of the French Government to the effect that for the settlement of all the problems connected with the reestablishment and consolidation of peace in Cambodia, Laos, and Viet-Nam, the French Government will proceed from the principle of respect for the independence and sovereignty, unity, and territorial integrity of Cambodia, Laos, and Viet-Nam.
12. In their relations with Cambodia, Laos, and Viet-Nam, each member of the Geneva Conference undertakes to respect the sovereignty, the independence, the

unity, and the territorial integrity of the above-mentioned states, and to refrain from any interference in their internal affairs.

13. The members of the Conference agree to consult one another on any question which may be referred to them by the International Supervisory Commission, in order to study such measures as may prove necessary to insure that the agreements on the cessation of hostilities in Cambodia, Laos, and Viet-Nam are respected.

(from *The Department of State Bulletin*, XXXI, No. 788 [August 2, 1954], p. 164)

APPENDIX D

The American Response to the Geneva Declarations,

3 July 21, 1954

Declaration

The Government of the United States being resolved to devote its efforts to the strengthening of peace in accordance with the principles and purposes of the United Nations takes note of the agreements concluded at Geneva on July 20 and 21, 1954 between (a) the Franco-Laotian Command and the Command of the Peoples Army of Viet-Nam; (b) the Royal Khmer Army Command and the Command of the Peoples Army of Viet-Nam; (c) Franco-Vietnamese Command and the Command of the Peoples Army of Viet-Nam and of paragraphs 1 to 12 inclusive of the declaration presented to the Geneva Conference on July 21, 1954 declares with regard to the aforesaid agreements and paragraphs that (i) it will refrain from the threat or the use of force to disturb them, in accordance with Article 2(4) of the Charter of the United Nations dealing with the obligation of members to refrain in their international relations from the threat or use of force; and (ii) it would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security.

In connection with the statement in the declaration concerning free elections in Viet-Nam my Government wishes to make clear its position which it has expressed in a declaration made in Washington on June 29, 1954, as follows:

In the case of nations now divided against their will, we shall continue to seek to achieve unity through free elections supervised by the United Nations to insure that they are conducted fairly.

With respect to the statement made by the representative of the State of Viet-Nam, the United States reiterates its traditional position that peoples are entitled to determine their own future and that it will not join in an arrangement which would hinder this. Nothing in its declaration just made is intended to or does indicate any departure from this traditional position.

We share the hope that the agreements will permit Cambodia, Laos and Viet-Nam to play their part, in full independence and sovereignty, in the peaceful community of nations, and will enable the peoples of that area to determine their own future.

(from *The Pentagon Papers*, pp. 52-53)

APPENDIX E

United States Department of State, Policy Planning Staff documents

Declassified and released to author under Freedom of Information Act.
24 September 1998.

Document I:

Memo introducing State Department research projects re: the United Nations and the Vietnam War.

Sent to: William Bundy, Assistant Secretary of State for Far Eastern Affairs

From: Robert H. Johnson, State Department Policy Planning Staff

Date: 12 January 1965

Document II:

"The United Nations and the Vietnam Problem"

by Robert H. Johnson

12 January 1965

Document III:

"The Pros and Cons of Taking the Vietnam (or Southeast Asia) Problem to the United Nations"

by Robert H. Johnson

13 January 1965

Document IV:

"Limitations on UN Action With Respect to South Vietnam"

by Evelyn S. Colbert

13 January 1965

DEPARTMENT OF STATE
POLICY PLANNING COUNCIL
WASHINGTON

UNCLASSIFIED

Copy # 1
January 12, 1965

MEMORANDUM

TO: FE - Mr. Bundy

FROM: S/P - Robert H. Johnson *RHJ*

SUBJECT: The United Nations and the Vietnam Problem

Attached is a paper on the UN and Vietnam prepared in response to your request. It has had the benefit of substantial oral contributions and review in two drafts by L, UNP and INR (Mr. Salans, Miss Brown and Mrs. Colbert). There has not, however, been time for clearances by those offices.

While we have limited this paper to an objective appraisal of the likely character and outcome of UN consideration and have not attempted to pull out of the paper a statement of pros and cons of UN consideration, such a statement could be readily constructed from the first section of the paper (pp. 1-4) which constitutes, in effect, a summary of the principal considerations and problems bearing on UN consideration.

While this paper considers at various places the manner in which the question of negotiations might arise in the UN consideration and also contains a very brief discussion in the first section on the possible positive values

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values of the UN as a place for launching negotiations should these be desired, it does not contain a full discussion of the latter subject. We thought a somewhat fuller discussion might be useful. I have therefore drafted a supplementary paper containing such a fuller discussion which I will transmit to you later today.

CC: FE - Amb. Unger
S/P - Mr. Rostow

L - Mr. Salans
UNP - Miss Brown
INR - Mrs. Colbert

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January 12, 1965

The United Nations and the Vietnam Problem

This paper examines two approaches to UN action on the Vietnam problem in two situations with respect to U.S. action in Vietnam. The alternative approaches to UN action would use this forum (a) to justify and explain present or new U.S. actions, but without any initiative to engage the UN itself further in the problem; or (b) to make proposals for UN involvement in Vietnam (or more broadly in mainland Southeast Asia). The alternative situations are (a) continuation of basically our present courses of action in SVN and Laos; and (b) initiation of some level of overt U.S. attacks upon the North.

I. Some General Issues Relating to All Alternatives

1. UN Venue. It will be preferable to take any U.S. initiative in the Security Council and to stay out of the General Assembly if at all possible. The Security Council is the logical first resort and the situation there is much more manageable. However, as comments below indicate, in some circumstances it will be very difficult to stay out of the Assembly - assuming that the Article 19 issue has been resolved and that the Assembly is in session.

2. GVN Role. Under the Charter the U.S. can, of course, take the initiative itself to raise the Vietnam problem. It would certainly be highly undesirable, however, to take the problem to the UN over the opposition of the GVN. Such opposition would become public and would place us in a politically impossible situation. The GVN should therefore join with the U.S. in making any UN presentation. The GVN is probably unlikely to oppose any move into the UN designed solely to make the US/GVN case. However, given present GVN attitudes, it would be likely to resist strongly any move which seemed designed to reduce U.S. involvement in SVN or to be a preface to negotiations.

3. DRV

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~~SECRET~~

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TO: DIRECTOR, CIA
FROM: [illegible]
SUBJECT: [illegible]
CLASSIFICATION: [illegible]
FOIA Exemptions: [illegible]
PA Exemptions: [illegible]
REASON FOR DENIAL: [illegible]
DATE OF REVIEW: [illegible]
APPROVED: [illegible]
DATE: [illegible]

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3. DRV and ChiCom Participation. Both our past position and probable international pressures make it desirable for the U.S. to indicate at the outset its willingness to have the DRV present. If the U.S. case is to include reference to the Chinese role, we should also indicate a willingness to have Communist China invited. Otherwise, we should not take such initiative, because to do so is likely to accentuate ChiRep complications. However, if pressure for Chinese attendance should develop, we should acquiesce since to resist it would be likely to have even more adverse effects upon our ChiRep position. It is very unlikely that either the DRV or the ChiComs would accept an invitation. Under the circumstances envisaged here any pressures for an invitation to the Front could be successfully resisted.

4. Effect on ChiRep Issue. A UN debate could itself raise the question of ChiCom UN membership. In situations where the U.S. offers proposals for UN involvement or is taking overt military action against NVN, a UN debate would inevitably increase pressures for ChiCom admission.

5. Attitudes toward UN Involvement. In general there will be great resistance from both Communist and non-Communist states to significant UN involvement in Southeast Asian problems. The ChiComs and North Vietnamese have made their opposition to UN involvement abundantly clear and the USSR can be expected to reflect this view in UN debates, vetoing action in the Security Council if necessary. Non-Communist states will be reluctant to see UN involvement for such reasons as (a) their lack of desire to become even indirectly involved in a war involving major Cold War protagonists when no generally acceptable solution is evident; (b) the inability of the UN to do anything about the problem; (c) fear of effects on the future of the UN itself; and (d) fear that any proposal for a peace-keeping operation will intensify the conflict between the U.S. and the USSR on the Article 19 issue. Instead, some of the non-Communist countries are

likely

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likely to press for negotiations outside the UN. U Thant's strong resistance to UN involvement in the Indochina area will certainly also be a major obstacle to such involvement.

6. Feasibility of Peace-Keeping. Even if this opposition to UN involvement did not exist, the inherent difficulties of the guerrilla war situation in SVN would make design of an effective peace-keeping force difficult at best. It would be likely to involve force requirements of such magnitude as to be quite impractical in the light of past UN experience, its financial problems, etc. Any lesser UN involvement - such as small observer forces in SVN (and perhaps in Laos) - is not likely to prove significantly more effective than the present very ineffective ICC arrangements.

7. Realistic Objectives for UN Action. These might include one or more of the following (a) making the case for present U.S. activities; (b) presenting a more appealing picture of U.S. purposes in SEA; (c) developing the basis for simultaneous or later actions against the North by laying the groundwork for the argument that an "armed attack" within the meaning of the UN Charter is involved in DRV activities; (d) satisfying U.S. and foreign critics that the UN remedy has been exhausted; or (e) providing a route to negotiation.

8. UN and Negotiations. This paper does not deal with the possible ways in which the UN might be used positively as a means of getting into negotiations should these be desired. Nor has it compared the UN with other possibilities as a venue for negotiations. A few general observations on this subject may, however, be useful. Reluctant U.S. acceptance of negotiations as a result of pressures in the UN might reduce the international and domestic political costs of moving to negotiations and might better preserve any bargaining advantage provided by actions against the DRV than would a direct move to negotiations. It might also make it more feasible to avoid a

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Geneva-type conference if we wished a different composition and venue. On the other hand, a major UN role in the setting up of negotiations would be unacceptable to the DRV and ChiComs and even a lesser role might prejudice the prospects. This consideration would be less important if the Communists actively desired a conference, perhaps as a means of halting U.S. attacks on the DRV.

II. Situation I: No Attacks upon the DRV

A. Using the UN to Obtain Support for the U.S. Position

U.S. Actions. In the absence of plans for new U.S. action it is difficult to see what excuse we would use for taking the problem to the Security Council other than the presentation of new evidence of DRV activities in SVN and Laos. While we would indicate receptivity to considering new international approaches to deal with this "threat to the peace", if they offered genuine prospects for improvement of the situation, we would be primarily intent upon explaining and justifying the measures that we and the GVN are taking to deal with insurgency (including infiltration?).

The U.S. might seek Security Council approval of a resolution condemning the DRV, but since such a resolution would be unlikely to command a majority, this action does not seem useful.

Probable Counter-Proposals. In view of ChiCom/DRV criticism of Soviet acceptance of Security Council consideration at the time of Tonkin Gulf, the USSR might seek in the first instance to prevent UN consideration. Once the item was inscribed, the USSR would be likely to offer the standard DRV approach: (a) condemnation of U.S. violations of the Geneva Accords; and (b) demand for withdrawal of all foreign forces (i.e., U.S. forces) from Vietnam (and perhaps Laos) to be followed by negotiations between the GVN and the DRV.

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Within the Security Council there would be some pressure for an international conference and there might possibly be some move for UN involvement in a fact-finding, observer or good offices role.

Probable Outcome. The U.S. would be most unlikely to obtain any resolution offering clear support for the U.S. view since Security Council members are likely to apportion some significant part of the blame for the situation in SVN to the GVN and the U.S. On the other hand, the U.S. could successfully resist the Soviet initiatives and, assuming that it wished to do so, any pressures for a conference. The certainty of a Soviet veto would make it unlikely that proposals for a minor UN role would come to a vote.

The question of the elections provisions of the 1954 Accords might come up in UN debate under this or the other situations considered in this paper as part of the Soviet case against us. The U.S. should be able to deal effectively with such arguments through some combination of the following propositions: (a) that this was not an appropriate forum for the discussion of this subject in the absence of the DRV (assuming it did not appear); (b) that it made no sense to talk about elections so long as the security situation made free elections impossible; and (c) that the U.S. stood by the position it took in 1954 - that elections must be under UN supervision and that really effective supervision was necessary but presently impossible.

Thus, the likely outcome would be either no Security Council action or some kind of purely hortatory resolution. Pressures for formal UNGA debate could probably be successfully resisted. The U.S. would have given some further publicity to its case and would have made a demonstration to the U.S. and international critics of its policy of its willingness to consider other solutions and of its effort to exhaust whatever remedy might be offered by the UN. However, the effectiveness of our actions in this

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respect would depend upon who won the propaganda battle in the UN. The outcome of that battle might be inconclusive.

B. Seeking UN Involvement

U.S. Action. Objectives might be one or all of the following: (a) presenting a more constructive-seeming and politically-appealing statement of U.S. objectives in South Vietnam and Southeast Asia; (b) obtaining some actual UN involvement and thus, hopefully, a broadening of international responsibility for the problems of South Vietnam; or (c) laying a political and legal base for subsequent action against the North.

In this situation, in addition to making the U.S. case as in "A" above, the U.S. would present proposals which would include some or all of the following elements: (a) a UN peace-keeping operation involving mobile UN forces which could move freely throughout South Vietnam (alternatively, a more modest UN observer force); (b) a UN good-offices mechanism to deal with disputes among states of the Mekong Basin area; (c) UN assistance in the administration of SVN possibly going as far as direct involvement of the UN in GVN administration; and (d) implementation of a development program for the Mekong Basin involving, perhaps, the conversion of the Mekong Coordination Committee into a Mekong River Authority with DRV participation. The U.S. might offer to support establishment of an Asian development bank and/or an Asian economic development coordinating committee as a related, even broader, move. (Ideas along the above lines have been developed more fully in other papers.)

We would call on the Communists and others to halt activities which would prevent the implementation of such a regional scheme; would state that until some such arrangements were created and were dealing effectively with the problems of the area, we would continue present U.S. efforts; would offer a reduction of the U.S. military involvement in SVN in phase with improvement of the situation

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if our proposed measures were implemented.

Probable Counter-Proposals. These would be likely to be along lines previously outlined. The U.S. proposals would tend to focus UN activity on a search for a lowest common denominator approach to UN involvement.

Probable Outcome. At most there would be agreement on some kind of UN fact-finding or good-offices activity. However, even this would very probably be vetoed by the USSR. More ambitious proposals are unlikely to come to a vote in the absence of any prospect of approval or implementation. There would be some interest in U.S. support for a development bank and interested parties might seek to explore this separately with the U.S. outside the UN. If nothing came of Security Council consideration there would be somewhat more pressure for General Assembly consideration than if no proposals had been offered by the U.S. Moreover, in this case the U.S. itself might find it hard to avoid going to the UNGA in order to demonstrate its good faith in offering its proposals in the first place. In the UNGA all sorts of initiatives would be offered, including in particular, recommendations for negotiations. However, none of these would be likely to command even a simple majority.

Thus, the most likely outcome would be an improvement in the U.S. image at home and abroad - though not necessarily any long-term increase in support for what we are doing in SVN. There might possibly be some kind of minimal UN involvement though this is unlikely. A somewhat better base would have been laid for subsequent unilateral U.S. actions and the U.S. and international publics would have been educated on the limitations of the UN route.

III. Situation II: Overt U.S. Attacks upon North Vietnam

A. Using the UN to Obtain Support for the U.S. Actions

U.S. Action. Assuming that the U.S. actions against

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the North were of such character as to produce significantly increased international concern, UN consideration would become inescapable. We would be well-advised to take the initiative in order to avoid being placed on the defensive, to reduce the likelihood of unfavorable UN action, and to meet our obligations under Article 51 of the Charter.

While it is difficult to specify the exact character of the case we would make in the absence of a precise definition of the kind of military action to be taken against the North, our general posture would be one of emphasizing the DRV's activities directed against the South and stating that the U.S. actions would continue as necessary until the North ceased its activities in the South or international arrangements were in effect which would provide effective assurance of detection and counter-action. (We would, of course, need to define more specifically what action we were demanding of the DRV.) We would seek Security Council condemnation of DRV aggression and broad endorsement of the measures being taken by the GVN with U.S. support to defend itself against this aggression.

Even though no specific proposals for UN action were offered, it would be essential at a minimum, to present in broad brush terms the kind of possibilities for constructive action that would open up in Southeast Asia if the problem of insurgency were solved. Realistically, since an important objective of going to the UN would be pre-emptive we would most probably want to make more specific proposals for UN action and this case would not be distinguished from that in III-B below.

Counter-Proposals. All possibilities outlined previously would be possibilities here. However, the principal pressures would be for a general cease-fire and for an international conference. Acceptance of a cease-fire would preclude further U.S. action against NVN while leaving the battle between the GVN and the VC unchanged.

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Probable Outcome. We certainly would not obtain endorsement for our case or for our action. We could probably fend off pressures for a cease-fire and a conference through a mustering of abstentions. However, our success in this regard would depend in part on whether we continued our actions against the North while the Security Council debate was taking place. Even though we resisted a cease-fire we might find it desirable to desist from overt attacks while the debate proceeded. Continuation of attacks might force us to exercise our veto to prevent passage of a resolution calling for a conference although we could, it is estimated, avoid the necessity for vetoing a call for a cease-fire.

Even if we escaped unscathed from Security Council consideration, the very failure of the Security Council to take action would be likely to lead to almost irresistible pressures to take the problem to the General Assembly. In the Assembly it would be very unlikely that an outright condemnation of U.S. actions would obtain a simple majority, but there would be a fair chance that a resolution calling for a cease-fire, negotiations or both would command a two-thirds majority. Prediction is difficult in the absence of a more exact definition of total circumstances.

Faced by this situation, we might prefer to agree, prior to UNGA debate, to the convening of an international conference whether or not we intended to engage in serious negotiations. If we did so we could answer demands for a cease-fire by arguing that this was a matter for negotiation in the conference as in 1954. While continuation of action against the DRV in the midst of a conference would be very difficult, we would at least avoid the possibility of international resolutions which we would have to reject.

Thus, the most probable outcome would be either a General Assembly call for a cease-fire and/or negotiations or the anticipatory acceptance of negotiations by the U.S. At a minimum, the Assembly would be likely to approve some kind of UN fact-finding or good offices arrangement. If

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we should manage to escape UNGA approval of a call for a cease-fire and negotiations in a first round of consideration, their likelihood in a second round, following further U.S. action against the North, would certainly be very high. Acceptance of negotiations would be likely to pose serious problems in our relations with the GVN, the magnitude of which would depend upon such factors as the effects on the DRV of the U.S. military actions, our intentions in the negotiations, etc.

B. Seeking UN Involvement

U.S. Action. Substantive proposals might be along the lines in II-B above. Emphasis would presumably be upon creation of effective international policing mechanisms. The U.S. actions against the North might be justified as interim measures which would be continued until an effective peace-keeping mechanism was in place.

Counter-Proposals. Again the emphasis would be upon a cease-fire and a conference. The U.S. offer of concrete proposals might be taken as an indication that the U.S. was, in fact, prepared to negotiate even though the proposals themselves would certainly be unacceptable to the Communists.

Probable Outcome. U.S. proposals would improve the impression of U.S. purposes at home and abroad. This improvement would be more likely to be significant if it appeared that the U.S. was genuinely interested in moving on from its proposals to negotiate new arrangements for the area. In this latter case we would certainly have major problems with the GVN and the Thai who might quickly suspect that our proposals were only window-dressing for a withdrawal. On the other hand, if U.S. actions against the North continued and no new international arrangements emerged from UN discussion, international attention would tend to be focused on those actions and their implications and the U.S. proposals might tend to be viewed increasingly

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as a facade intended to put our military actions in a better light.

Assuming that diplomatic action is confined to the UN forum and that no broader negotiations are undertaken, the most probable outcome would be along the lines of III-A above - i.e., a UNGA call for a cease-fire and/or negotiations, or anticipatory acceptance of negotiations by the U.S. or, at a minimum, some kind of UN fact-finding or good offices arrangement. It is possible to hypothesize situations in which a U.S. refusal of a cease-fire and a conference in conjunction with continued pressures on the North might just possibly produce Communist willingness to accept a slightly greater degree of UN involvement in the expectation that the U.S. would cease its attacks upon the DRV. But such a bargain would, even if possible, probably be less attractive to the U.S. than acceptance of negotiations without a cease-fire.

S/P:R.H.Johnson
January 12, 1965

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The Pros and Cons of Taking the Vietnam (or Southeast Asia) Problem to the United Nations

(Note: Material relating to attacks on the North is bracketed. It is inserted on an FYI basis on the assumption that the Secretary may wish to have these arguments in mind even though he will presumably not wish to raise them.)

Pros:

1. The UN would offer a good public forum for publicizing North Vietnamese and - to the extent we have the necessary evidence - Communist Chinese support and direction of aggression in South Vietnam and Laos.

2. Recourse to the UN would fulfill our obligations under the Charter of bringing to the attention of Security Council "threats to the peace" and defensive measures which we are taking to meet this "armed attack". We could explain and justify present U.S. actions and lay the basis for justifying future actions that might become necessary. [such as air attack upon North Vietnam]. Even though the UN did not act, we would have made a showing of having exhausted that avenue to a solution.

3. The international impression of U.S. purposes in South Vietnam and Southeast Asia would be improved by U.S.

proposals

GROUP 3

Downgraded at 12-year intervals;
not automatically declassified

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proposals for a major UN peace-keeping and development role in the area even though such proposals would fail to obtain UN acceptance.

4. UN consideration would, for a time at least, draw the problem away from the Geneva Conference framework into an arena which, if it provided no solutions, might also present fewer problems than involvement in a Geneva conference.

5. In the event that we did make overt air attacks upon North Vietnam it would be desirable to take the initiative to go to the UN Security Council not only on the general grounds of the need to make our case, but also to avoid being put on the defensive and to meet our obligations under Article 51 of the Charter to report to the Council measures taken in "individual or collective self-defense".7

Cons

f. The outcome of the public debate in the UN on responsibility for the situation in South Vietnam and Laos could be inconclusive.

2. We

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2. We have relatively little material to support a case against Communist China other than its statements of political support for the Communists.

3. The UN is most unlikely to take any really significant action of either a declaratory sort or of a sort which would entail a deeper and more continuing UN involvement in Southeast Asia given (a) the opposition of the DRV, Communist China and the USSR to UN involvement and the likelihood of a Soviet veto in the Security Council; (b) the similar opposition of the UN Secretary General; (c) a widespread feeling that the UN would be unable to do anything which would deal with the major elements of the problem, partly because of Communist opposition but also because of the nature of the problem itself; (d) general reluctance to have the UN become involved in major cold war confrontations which might damage the organization; and (e) concern about effects on the over-all peace-keeping financing problems of the UN.

4. Even if opposition to UN involvement did not exist, the inherent difficulties of the situation in SVN
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would make the design of an effective peace-keeping force exceedingly difficult; actual implementation would require a force of such magnitude as to be quite impractical in the light of past UN experience, its financial problems, etc.

5. If the UN did take action, it would very likely be limited to (a) hortatory resolutions which would not condemn Communist actions or endorse U.S. actions, and possibly (b) approval of UN involvement in a fact-finding, good offices or observer role. Such a role would be most unlikely to have any effect upon Communist aggression or to produce useful recommendations, but could interfere with our own operations.

6. The other most likely form of UN action would be to call for a Geneva Conference. This would be more likely in the UNGA than in the Security Council and very likely in circumstances where we were attacking North Vietnam.

7. Particularly if we attacked North Vietnam overtly, there would be a fair chance that any General Assembly consideration would lead to approval of a call

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for a cease-fire by both sides. Such a cease-fire would stop all further U.S. action against the North, but would probably leave the battle between the GVN and the ("indigenous") VC unchanged.]

8. A UN debate would increase pressures for Communist China's admission to the UN. Pressures would be greatest if U.S. offered proposals for deep UN involvement [or if debate took place in midst of U.S. action against North Vietnam]. (DRV and perhaps Communist China would have to be invited to any UN debate, but would be unlikely to come.)

9. If continued U.S. support for the GVN's war efforts was absolutely firm and clear, recourse to the UN would probably create no unmanageable morale problems in SVN, Thailand or among other Asian allies. But if there were any indication that the U.S. was seeking to dump the Vietnam problem in the UN's lap in order to reduce or eliminate its involvement, there could be serious morale problems and difficulties in our relations with these countries. Cambodia would be unlikely to cooperate with any kind of UN activity.

S/P:R.H.Johnson
January 13, 1965

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LIMITATIONS ON UN ACTION WITH RESPECT TO SOUTH VIETNAM

There are many ways of envisaging US utilization of the UN to advance our objectives in South Vietnam for which scenarios can be developed and advantages and disadvantages weighed. It is perhaps an oversimplification to examine the question completely in the abstract and ask ourselves simply whether we can expect the UN in this instance to be more than a forum in which we can justify our actions or may indeed be required to. Nevertheless, there seems to us to be some utility in outlining the general considerations that must limit our expectations without respect to the tactical reasons we might have for pursuing one or another of the courses open to us.

I. A UN Role in pacification would be impossible

1. The USSR would veto any peace-keeping presence proposed in the Security Council
2. A proposal in the General Assembly for a peace-keeping presence would not command a majority:
 - a. There is great reluctance to involve the UN in cold war situations
 - b. in the context of the Article 19 dispute, there would be even greater reluctance to have an issue injected into the UN that would be likely to intensify Soviet intransigence
 - c. there is little enthusiasm for peace keeping operations per se
 - d. there would be little faith in the possibility that a UN peace-keeping operation could perform effectively
 - e. in the context of the existing situation in the GVN, there would be suspicion that the US was seeking to use the UN to cut its own losses as an alternative to taking other steps to end the war
 - f. the influence of the Secretary-General would be exerted against such a proposal

II. A UN role in a broader Grand Design with prospects for favorable side effects on the security situation would be extremely unlikely

1. Communist opposition to any Grand Design we would be prepared to offer would be as great as their opposition to an unvarnished peace-keeping proposal. Only a Grand Design offering the immediate prospect of the complete withdrawal of US forces and probably also a settlement of the Chirep issue to their satisfaction would be likely to alter this attitude
2. Most of the considerations under I above would accordingly apply in the General Assembly

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III. There are also limitations on our ability to utilize the UN as a forum in which to make our case and justify such further actions as we may find it necessary to take. These, however, do not appear to outweigh the advantages of periodic presentation of the US position to the international community.

1. A resolution condemning North Vietnam would be impossible to achieve in the Security Council and extremely unlikely in the General Assembly
2. We cannot make a real case for Chinese Communist involvement but we can produce evidence of heavy North Vietnamese involvement, if not for an "armed attack" within the meaning of the Charter
3. Especially if we move beyond our present course of action, we can benefit in the realm of international opinion by taking the initiative in putting our case before the world forum and may be under legal obligation to do so under Article 51
4. On the other hand, it must be recognized that the propaganda forum is also open to the other side to use against us with maximum publicity

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APPENDIX F

United States 14-point Peace Program January 1966

1. The Geneva Agreements of 1954 and 1962 are an adequate basis for peace in Southeast Asia;
2. We would welcome a conference on Southeast Asia or on any part thereof;
3. We would welcome "negotiations without preconditions" as the 17 nations put it;
4. We would welcome unconditional discussions as President Johnson put it;
5. A cessation of hostilities could be the first order of business at a conference or could be the subject of preliminary discussions;
6. Hanoi's four points could be to retain U.S. troops in South Vietnam after peace is assured;
7. We want no U.S. bases in Southeast Asia;
8. We do not desire to retain U.S. troops in South Vietnam after peace is assured;
9. We support free elections in South Vietnam to give the South Vietnamese a government of their own choice;
10. The question of reunification of Vietnam should be determined by the Vietnamese through their own free decision;
11. The countries of Southeast Asia can be non-aligned or neutral if that be their option;
12. We would much prefer to use our resources for the economic reconstruction of Southeast Asia than in war. If there is peace, North Vietnam could participate in a regional effort to which we would be prepared to contribute at least one billion dollars;
13. The President has said: "The Viet Cong would not have difficulty being represented and having their views represented and having their views represented if for a moment Hanoi decided she wanted to cease aggression. I don't think that would be an insurmountable problem."
14. We have said publicly and privately that we could stop the bombing of North Vietnam as a step toward peace although there has not been the slightest hint or suggestion from the other side as to what they would do if the bombing stopped.

(from Bloomfield, *UN and Vietnam*, p43-4)

APPENDIX G

U Thant's Peace Proposals of May 1966*

1. The cessation of the bombing of Vietnam.
2. The scaling down of all military activities by all sides in South Vietnam.
3. The willingness to enter into discussions with those who were actually fighting.

*From Bloomfield, *The U.N. and Vietnam*, p44. Note: in *View From the UN*, Thant lists the release date of his proposals as March of 1965. Lastly, in *Yearbook of the United Nations*, it is noted that Thant first introduced these proposals on 17 February 1966. The latter is probably the most accurate of the three dates, due to the fact that they were officially released by the United Nations, although Thant may have presented them to the belligerents in private meetings even earlier. See United Nations, *Yearbook of the United Nations*, 1966, 151.

U Thants's Peace Proposals of March 1967

1. A general stand-still truce.
2. Preliminary talks.
3. Reconvening of the Geneva Conference.

(from Bloomfield, *UN and Vietnam*, p44)

Aide-Mémoire to the Governments of the United States, North Vietnam, and South Vietnam, and to the National Liberation Front. released 28 March 1967

On many occasions in the past, the Secretary-General of the United Nations has expressed his very great concern about the conflict in Viet-Nam. That concern is intensified by the growing fury of the war, resulting in the increasing loss of lives, indescribable suffering and misery of the people, appalling devastation of the country, uprooting of society, astronomical sums spent on the war, and last, but not least, his deepening anxiety over the increasing threat to the peace of the world. For these reasons, in the past three years or so, he submitted ideas and proposals to the parties primarily involved in the war, with a view to creating conditions congenial to negotiations, which, unhappily, have not been accepted by the parties. The prospects for peace seem to be more distant today than ever before.

Nevertheless, the Secretary-General reasserts his conviction that a cessation of the bombing of North Viet-Nam continues to be a vital need, for

moral and humanitarian reasons and, also, because it is the step which could lead the way to meaningful talks to end the war.

The situation being as it is today, the Secretary-General has now in mind proposals envisaging three steps:

- (a) A general stand-still truce
- (b) Preliminary talks
- (c) Reconvening of the Geneva Conference

In the view of the Secretary-General, a halt to all military activities by all sides is a practical necessity if useful negotiations are to be undertaken. Since the Secretary-General's three-point plan has not been accepted by the parties, he believes that a general stand-still truce by all parties to the conflict is now the only course which could lead to fruitful negotiations. It must be conceded that a truce without effective supervision is apt to be breached from time to time by one side or another, but an effective supervision of a truce, at least for the moment, seems difficult to envisage as a practical possibility. If the parties directly involved in the conflict are genuinely motivated by considerations of peace and justice, it is only to be expected that earnest efforts will be exerted to enforce the truce to the best of their ability. Should a public appeal by the Secretary-General in his personal capacity facilitate the observance of such a truce, he would gladly be prepared to do so. Appeals to that effect by a group of countries would also be worthy of consideration.

Once the appeal has been made and a general stand-still truce comes into effect, the parties directly involved in the conflict should take the next step of entering into preliminary talks. While these talks are in progress, it is clearly desirable that the general should continue to be observed. In the view of the Secretary-General, these talks can take any of the following forms:

- (1) Direct talks between the United States of America and the Democratic Republic of Viet-Nam.
- (2) Direct talks between the two governments mentioned in (1) above, with the participation of the two Co-Chairmen of the Geneva Conference of 1954.
- (3) Direct talks between the two governments mentioned in (1) above with the participation of the members of the International Control Commission.
- (4) Direct talks between the two governments mentioned in (1) above, with the participation of the two Co-Chairmen of the Geneva Conference of 1954 and of the members of the International Control Commission.

The Secretary-General believes that these preliminary talks should aim at reaching an agreement on the modalities for the reconvening of the Geneva Conference, with the sole purpose of returning to the essentials of that agreement as repeatedly expressed by all parties to the conflict. These preliminary talks should seek to reach an agreement on the timing, place, agenda and participants in the subsequent formal meeting—the reconvening of the Geneva Conference. The Secretary-General deems it necessary to stress that the question of participants in the formal negotiations should not obstruct the way to a settlement. It is a question which could be solved only by agreeing that no fruitful discussions on ending the war in Viet-Nam could take place without involving all those who are actually fighting. Since the Government in Saigon, as well as the National Liberation Front of South Viet-Nam, are actually engaged in military operations, it is the view of the Secretary-General that a

future formal conference could not usefully discuss the effective termination of all military activities and the new political situation that would result in South Viet-Nam, without the participation of representatives of the Government in Saigon and representatives of the National Liberation Front of South Viet-Nam.

In transmitting these proposals to the parties directly concerned, the Secretary-General believes that he is acting within the limits of his good offices purely in his private capacity. He hopes that the divergent positions held by the parties both on the nature of the conflict and the ultimate political objectives will not prevent them from giving their very serious attention to these proposals. Indeed, he takes this opportunity to appeal to them to give their urgent consideration to his proposals.

(from Thant, *A View From the UN*, p457-459)

APPENDIX H

Relevant Nations' UN Admission Dates

United States of America: 24 October 1945
 Union of Soviet Socialist Republics: 24 October 1945
 Cambodia: 14 December 1955
 France: 24 October 1945
 Laos: 14 December 1955
 United Kingdom: 24 October 1945
 Nationalist China (Taiwan): 24 October 1945 Note: the People's Republic of China was admitted in 1971. This signified the General Assembly's decision to recognize the PRC as the primary Chinese government instead of the government in exile on Taiwan.
 Socialist Republic of Viet Nam (unified, communist Vietnam): 20 September 1977

United States Ambassadors to the UN and their Terms of Service During the Vietnam War

Adlai E. Stevenson	January 1961- July 1965
Arthur J. Goldberg	July 1965- June 1968
George Ball	June 1968- September 1968
James Russell Wiggins	October 1968- January 1969
Charles W. Yost	January 1969- February 1971
George Bush	February 1971- January 1973
John P. Scali	February 1973- June 1975

United Nations Membership Trends Before, During, and Following the Vietnam War

1945	51	1964	115	1970	127
1950	60	1965	117	1975	144
1955	76	1966	122	1980	154
1960	99	1967	123	1985	159
		1968	126	1990	159
				1995	185
				2000	189

APPENDIX I

United Nations Security Council Members and their Chief Delegates/Presidents

Until 1966, the UN Security Council consisted of 11 Members: 5 permanent Members (China, France, USSR, the United Kingdom, and the United States) and 6 non-permanent Members. The latter were elected by the General Assembly to serve two-year terms. On 31 August 1965, an amendment to the United Nations Charter, Article 23, was passed, increasing the number of non-permanent Members by four. The non-permanent members on the Security Council were thus increased from 6 to 10, which in turn increased the Security Council from 11 to 15 total Members. The additional four non-permanent Members would not begin their terms until 1 January 1966.

Each Member of the Security Council serves a month long term as Security Council President. These Presidents are rotated monthly, according to the English alphabet listing of (Security Council) Members.

1964

Non-permanent Members: Bolivia, Brazil, Czechoslovakia, Ivory Coast, Morocco, and Norway

Month	Member state	Name of President
January	Bolivia	Renán Castrillo Justiniano
February	Brazil	Carlos Alfredo Bernardes
March	China	Liu Chieh
April	Czechoslovakia	Jiri Hajek
May	France	Roger Seydoux
June	Ivory Coast	Arsène Assouan Usher
July	Morocco	Ahmed Taïbi Benhima
August	Norway	Sivert A. Nielsen
September	USSR	N. T. Fedorenko
October	United Kingdom	Sir Patrick Dean
November	United States	Adlai E. Stevenson
December	Bolivia	Fernando Ortiz Sanz

1965

Non-permanent Members: Bolivia, Ivory Coast, Jordan, Malaysia, Netherlands, and Uruguay

Month	Member state	Name of President
January	China	Liu Chieh
February	France	Roger Seydoux
March	Ivory Coast	Arsène Assouan Usher
April	Jordan	Abdul Monem Rifa'i
May	Malaysia	Radhakrishna Ramani
June	Netherlands	J. G. de Beus

July	USSR	N. T. Fedorenko
August	United Kingdom	Lord Caradon
September	United States	Arthur J. Goldberg
October	Uruguay	Hector Paysse Reyes
November	Bolivia	Fernando Ortiz Sanz
December	China	Liu Chieh

1966

Non-permanent Members: Argentina, Bulgaria, Japan, Jordan, Mali, Netherlands, New Zealand, Nigeria, Uganda, and Uruguay

Month	Member state	Name of President
January	France	Roger Seydoux
February	Japan	Akira Matsui
March	Jordan	Muhammad H. El-Farra
April	Mali	Moussa Léo Keita
May	Netherlands	J. G. de Beus
June	New Zealand	Frank H. Corner
July	Nigeria	Chief S. O. Adebo
August	Uganda	Apollo K. Kironde
September	USSR	N. T. Fedorenko
October	United Kingdom	Lord Caradon
November	United States	Arthur J. Goldberg
December	Uruguay	Pedro P. Berro

1967

Non-permanent Members: Argentina, Brazil, Bulgaria, Canada, Denmark, Ethiopia, India, Japan, Mali, and Nigeria

Month	Member state	Name of President
January	Argentina	José Maria Ruda
February	Brazil	José Sette Camara
March	Bulgaria	Milko Tarabanov
April	Canada	George Ignatieff
May	China	Liu Chieh
June	Denmark	Hans R. Tabor
July	Ethiopia	Lij Endalkachew Makonnen
August	France	Roger Seydoux
September	India	Gopalaswami Parthasarathi
October	Japan	Senjin Tsuruoka
November	Mali	Mamadn Boubacar Kanté
December	Nigeria	Chief S. O. Adebo

1968

Non-permanent Members: Algeria, Brazil, Canada, Denmark, Ethiopia, Hungary, India, Pakistan, Paraguay, and Senegal

Month	Member state	Name of President
January	Pakistan	Agha Shahi
February	Paraguay	Miguel Solano López
March	Senegal	Ousmane Socé Diop
April	USSR	Y. A. Malik
May	United Kingdom	Lord Caradon
June	United States	Arthur J. Goldberg
July	Algeria	Tewfik Bouattoura
August	Brazil	João Augusto de Araujo Castro
September	Canada	George Ignatieff
October	China	Liu Chieh
November	Denmark	Otto R. Tabor
December	Ethiopia	Lij Endalkachew Makonnen

Abbreviations Used in the Text

ARVN	Army of the Republic of (South) Vietnam
DRV	the Democratic Republic of (North) Vietnam
ICC	International Control Commission
PAVN	the People's Army of (North) Vietnam
PRC	the People's Republic of (communist) China
RVN	Republic of (South) Vietnam
UN	United Nations
US	United States

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