

Tuesday, Oct. 10, 1967  
4:20 p.m.

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MR. PRESIDENT:

Herewith Nick's analysis of Senator Case's  
argument and the rebuttal.

*Pres file*

W. W. R.

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E.O. 12356, Sec. 3.4

NJ 94-417

By LP, NARA, Date 6-16-95THE UNDER SECRETARY OF STATE  
WASHINGTON~~CONFIDENTIAL~~

October 3, 1967

## MEMORANDUM FOR THE PRESIDENT

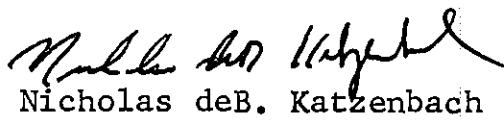
SUBJECT: Senator Case's Attack on the Administration's Handling of Viet-Nam.

Last week Senator Case of New Jersey made a widely-publicized statement on the Senate floor, alleging that, in a number of ways, "The Johnson Administration's handling of the war in Viet-Nam since 1954 has produced a crisis of confidence." (Tab F) The rebuttal the following day was strong and also well-publicized. (Tab A)

The attached paper sets forth Senator Case's position (Part I), answers it (Part II), and also answers a closely related question, which Senator Case did not raise directly: whether the Southeast Asia resolution is inconsistent with the power of Congress to declare war (Part III). The remainder of the paper (Parts A through F) constitute an appendix of relevant Congressional statements.

The entire paper is what a lawyer might call a "partisan brief" -- accurate, but not attempting complete objectivity or detachment. A similar, but far less convincing brief, could be prepared to support Senator Case's arguments.

Like any brief based largely on legislative history, the paper is persuasive but not exciting reading. For this reason, as well as because of the strength of the prompt rebuttal on the Senate floor, I do not recommend any attempt to make forceful or dramatic use of it at present. I would treat the paper as a reserve of arguments that may, and probably will, prove useful at a future date.



Nicholas deB. Katzenbach

Attachment.

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