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**JOINT U.S. AND SOUTH VIETNAMESE RETALIATORY
ATTACKS AGAINST NORTH VIET-NAM: White House
Statement, February 7, 1965¹**

On February 7, U.S. and South Vietnamese air elements were directed to launch retaliatory attacks against barracks and staging areas in the southern area of North Viet-Nam which intelligence has shown to be actively used by Hanoi for training and infiltration of Viet Cong personnel into South Viet-Nam.

Results of the attack and further operational details will be announced as soon as they are reported from the field.

Today's action by the U.S. and South Vietnamese Governments was in response to provocations ordered and directed by the Hanoi regime.

Commencing at 2 a.m. on February 7th, Saigon time (1 p.m. yesterday, eastern standard time, two South Vietnamese airfields, two U.S. barracks areas, several villages, and one town in South Viet-Nam were subjected to deliberate surprise attacks. Substantial casualties resulted.

Our intelligence has indicated, and this action confirms, that Hanoi has ordered a more aggressive course of action against both South Vietnamese and American installations.

Moreover, these attacks were only made possible by the continuing infiltration of personnel and equipment from North Viet-Nam. This infiltration markedly increased during 1964 and continues to increase.

To meet these attacks the Government of South Viet-Nam and the U.S. Government agreed to appropriate reprisal action against North Vietnamese targets. The President's approval of this action was given after the action was discussed with and recommended by the National Security Council last night [February 6].

Today's joint response was carefully limited to military areas which are supplying men and arms for attacks in South Viet-Nam. As in the case of the North Vietnamese attacks in the Gulf of Tonkin last August, the response is appropriate and fitting.

As the U.S. Government has frequently stated, we seek no wider war. Whether or not this course can be maintained lies with the North Vietnamese aggressors. The key to the situation remains the cessation of infiltration from North Viet-Nam and the clear indication by the Hanoi regime that it is prepared to cease aggression against its neighbors.

¹ Department of State Bulletin Feb. 22, 1965, pp. 238-239.

**LEGAL BASIS FOR UNITED STATES ACTIONS
AGAINST NORTH VIET-NAM: Department of State Memo-
randum, March 8, 1965¹**

I—THE ISSUE

This memorandum considers the question whether United States-South Vietnamese actions against military targets in North Viet-nam are justified in international law, particularly in light of the United Nations Charter and the 1954 Geneva Accords on Viet-Nam. It concludes that these actions are fully justified.

II—THE FACTS

On February 27, the Department of State issued "Aggression From the North," a report of North Viet-Nam's campaign to conquer South Viet-Nam. That Report establishes beyond question that North Viet-Nam is carrying out a carefully conceived plan of aggression against the South.

The evidence shows that the hard core of the Communist forces attacking South Viet-Nam were trained in the North and ordered into the South by Hanoi. It shows that the key leadership of the Viet Cong, the officers and much of the cadre, many of the technicians, political organizers, and propagandists have come from the North and operate under Hanoi's direction. It shows that the training of essential military personnel and their infiltration into the South is directed by the Military High Command in Hanoi. It shows that many of the weapons and much of the ammunition and other supplies used by the Viet-Cong have been sent into South Viet-Nam from the North. The evidence plainly indicates that under Hanoi's overall direction the Communists have established an extensive machine, both political and military, for carrying on the war against South Viet-Nam.

The history of Hanoi's campaign to conquer South Viet-Nam is a long one. It was documented earlier in a report entitled "A Threat to the Peace" issued by the Department of State in December 1961. In a special report of June 1962, the International Control Commission in Viet-Nam concluded that there was "sufficient evidence to show beyond reasonable doubt" that North Viet-Nam was sending arms and men into South Viet-Nam to carry out subversion with the aim of overthrowing the legal government there, in violation of the 1954 Geneva Accords.

¹ Department of State Memorandum, dated March 8, 1965.

To meet the threat created by these violations of the Geneva Accords, and by North Viet-Nam's aggressive intervention contrary to general international law, the Government of the Republic of Viet-Nam requested United States assistance. We had been providing Viet-Nam since 1950-51 with both economic and military aid. This assistance was continued after the conclusion of the 1954 Geneva Accords, within the limitations prescribed by those agreements. It had become apparent, however, by 1961 that this limited assistance was not sufficient to meet the growing Communist threat. Consequently, in 1961, the Government of the Republic of Viet-Nam requested additional aid from the United States. The United States responded with increased supplies and with larger numbers of training and advisory personnel to assist the Vietnamese forces in prosecuting the war against the Viet Cong. This response was proportioned with the design of sustaining Viet-Nam in its defense against aggression without extending the conflict beyond the borders of the country.

The Communists, however, increased their intervention without regard to obligations under international law and international agreements by which they were bound. They stepped up the assistance from the North and increased the use of neighboring Laos as an infiltration route, in violation of the freshly concluded 1962 Geneva Agreement for the Settlement of the Laotian Question.

In more recent months North Viet-Nam has sharply increased the infiltration of men and equipment into the South, and virtually all personnel now coming in are natives of North Viet-Nam. Dramatically illustrative of Hanoi's role is the discovery along the South Vietnamese coast on February 16, 1965 of a huge cargo of arms, ammunition and other supplies, delivered by ship from North Viet-Nam. Major attacks by organized units are being launched against government forces. The North Vietnamese have even attacked United States vessels in international waters in the Gulf of Tonkin.

Thus, what began as covert and indirect aggression has become open armed aggression. This aggression has been carried out across the internationally agreed demarcation line of 1954 between North and South Viet-Nam, and across international frontiers between Viet-Nam and Laos.

III. INTERNATIONAL LAW—THE UN CHARTER

As has been seen, North Viet-Nam is engaged in a continuing armed aggression against South Viet-Nam in violation of international agreements and international law.

This being the case, what are the Republic of Viet-Nam and the United States entitled to do under international law by way of response?

Under international law, the victim of armed aggression is obviously permitted to defend itself and to organize a collective self-defense effort in which others who are willing may join. This right is recognized in Article 51 of the United Nations Charter. Article 51 states that—

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the

United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by the members in the exercise of this right of self-defense 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 actions as it deems necessary in order to maintain or restore international peace and security.

As has been shown above, the whole course of conduct of North Viet-Nam, particularly as it has evolved in recent months, adds up to open armed attack within the meaning of Article 51. Indeed it is more than a single armed attack; it is a continuing program of armed aggression carried on across international frontiers and established demarcation lines. In these circumstances, South Viet-Nam has requested and received assistance from the United States and other nations in a collective defense effort.

Article 2, paragraph 4, of the Charter is also relevant to the Viet-Nam situation. Article 2, paragraph 4, provides that—

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.

In the first place, it is plain that the use of force against territorial integrity and political independence has been initiated by North Viet-Nam and not by anyone else. Secondly, paragraph 4 of Article 2 of the Charter does not place an absolute prohibition on the use of force. It permits the use of force in a manner consistent with the purposes and principles of the Charter. Moreover, the Charter itself specifically provides for the use of force in certain circumstances—action through the United Nations itself, action through regional arrangements, and action in self-defense. The actions of the United States and the Republic of Viet-Nam, being defensive in character and designed to resist armed aggression, are wholly consistent with the purposes and principles of the Charter and specifically with Article 2, paragraph 4.

It was as a measure of self-defense under Article 51 that the United States responded in August 1964 to the North Vietnamese attack on our vessels in the Gulf of Tonkin. Those measures were immediately reported to the Security Council in accordance with Article 51. The Security Council did not see fit to take any action to maintain or restore international peace and security in the area. Indeed, North Viet-Nam refused to participate in the deliberations of the Security Council and explicitly denied the right of the Council to examine this question.

The attacks against South Viet-Nam have mounted in intensity since August. In these circumstances, it has been mutually agreed between the Government of South Viet-Nam and the United States Government that further means of providing for the collective defense of South Viet-Nam are required. Prompt defensive action has been decided upon, and airstrikes have been made against military installations and facilities in North Viet-Nam which support the aggression against the South. The actions taken constitute a limited and measured response, fitted to the situation that called for it. Again, these measures have been reported to the Security Council in accordance with Article 51 of the United Nations Charter. As yet, the Council has taken no action to maintain an effective peace in the area. Until

the regime in Hanoi decides to cease its aggressive intervention in South Viet-Nam, or until effective steps are taken to maintain international peace and security in the area, the Governments of the United States and the Republic of Viet-Nam have every right to continue their individual and collective self-defense against the Communist armed aggression coming from North Viet-Nam.

IV—THE GENEVA ACCORDS

It has been demonstrated that the North Vietnamese have repeatedly violated the 1954 Geneva Accords in a most serious and flagrant manner. In so doing, of course, North Viet-Nam is ignoring an international Agreement which it signed and by which it is bound. In addition, by the continued presence in neighboring Laos of North Vietnamese forces and their use of Laotian territory for infiltration into South Viet-Nam, North Viet-Nam is violating solemn commitments which it undertook in the 1962 Geneva Agreements to refrain from such activities.

In these circumstances, international law recognizes the principle that a material breach of a treaty by one party entitles other parties at least to withhold compliance with an equivalent, corresponding or related provision until the other party is prepared to observe its obligations.

The actions of the Republic of Viet-Nam and the United States are fully consistent with this principle. North Vietnamese violations of the Geneva Agreements have created an immediate danger to the continued independence and integrity of the Republic of Viet-Nam. The response of South Viet-Nam and the United States is designed to meet this threat created by North Viet-Nam's disregard of the Accords. The extensive North Vietnamese violations certainly justify South Viet-Nam at least to withhold compliance with those provisions of the Accords which limit its ability to protect its very existence. Both South Viet-Nam and the United States have made clear that the actions which they have taken will no longer be necessary if North Viet-Nam would comply with the Accords.

PATTERN FOR PEACE IN SOUTHEAST ASIA: Address by President Johnson, Johns Hopkins University, April 17, 1965¹

Last week 17 nations sent their views to some two dozen countries having an interest in Southeast Asia. We are joining those 17 countries and stating our American policy tonight, which we believe will contribute toward peace in this area of the world.

I have come here to review once again with my own people the views of the American Government.

Tonight Americans and Asians are dying for a world where each people may choose its own path to change. This is the principle for which our ancestors fought in the valleys of Pennsylvania. It is a principle for which our sons fight tonight in the jungles of Viet-Nam.

Viet-Nam is far away from this quiet campus. We have no territory there, nor do we seek any. The war is dirty and brutal and difficult. And some 400 young men, born into an America that is burst-

¹ Department of State Bulletin, Apr. 26, 1965, pp. 606-610.

ing with opportunity and promise, have ended their lives on Viet-Nam's steaming soil.

Why must we take this painful road? Why must this nation hazard its ease, its interest, and its power for the sake of a people so far away?

We fight because we must fight if we are to live in a world where every country can shape its own destiny, and only in such a world will our own freedom be finally secure.

This kind of world will never be built by bombs or bullets. Yet the infirmities of man are such that force must often precede reason and the waste of war, the works of peace. We wish that this were not so. But we must deal with the world as it is, if it is ever to be as we wish.

The world as it is in Asia is not a serene or peaceful place.

The first reality is that North Viet-Nam has attacked the independent nation of South Viet-Nam. Its object is total conquest. Of course, some of the people of South Viet-Nam are participating in attack on their own government. But trained men and supplies, orders and arms, flow in a constant stream from North to South.

This support is the heartbeat of the war.

And it is a war of unparalleled brutality. Simple farmers are the targets of assassination and kidnaping. Women and children are strangled in the night because their men are loyal to their government. And helpless villages are ravaged by sneak attacks. Large-scale raids are conducted on towns, and terror strikes in the heart of cities.

The confused nature of this conflict cannot mask the fact that it is the new face of an old enemy.

Over this war—and all Asia—is another reality: the deepening shadow of Communist China. The rulers in Hanoi are urged on by Peiping. This is a regime which has destroyed freedom in Tibet, which has attacked India, and has been condemned by the United Nations for aggression in Korea. It is a nation which is helping the forces of violence in almost every continent. The contest in Viet-Nam is part of a wider pattern of aggressive purposes.

Why are these realities our concern? Why are we in South Viet-Nam?

We are there because we have a promise to keep. Since 1954 every American President has offered support to the people of South Viet-Nam. We have helped to build, and we have helped to defend. Thus, over many years, we have made a national pledge to help South Viet-Nam defend its independence.

And I intend to keep that promise.

To dishonor that pledge, to abandon this small and brave nation to its enemies, and to the terror that must follow, would be an unforgivable wrong.

We are also there to strengthen world order. Around the globe, from Berlin to Thailand, are people whose well-being rests in part on the belief that they can count on us if they are attacked. To leave Viet-Nam to its fate would shake the confidence of all these people in the value of an American commitment and in the value of America's word. The result would be increased unrest and instability, and even wider war.