Senator McCarrery. I will ask the question, first of all, about the destroyers, as to whether the information they were picking up would be transmitted to South Vietnam.

Then I tried to ask the same question with reference to the Pueblo, that is all. I said if it was doing this—and you said there was a difference in the relations between North and South Korea from those of North and South Vietnam—if the Pueblo was picking up that kind of information, and giving it to South Korea, the justification for that action, it seems to me, would be less clear than the justification for what might have been taking place off the coast of South Vietnam. That is all.

Secretary McNamara. Let me rephrase it and see if I state your question properly, and then I will see if I can answer it.

USE OF U.S. INFORMATION FOR SOUTH VIETNAMESE NAVAL OPERATIONS

Your first question was whether information picked up by the destroyers Maddox and/or Joy while the 6th DeSoto mission was taking place in the Tonkin Gulf was transmitted to the South Vietnamese?

Senator McCarrery. Well, not immediately. I want to know whether that information was used to give direction to South Vietnamese naval operations, not necessarily on the same day or the same 3 days, but as part of the pattern of operations.

Secretary McNamara. Well, to the best of my knowledge, it was not transmitted at the time. It was not transmitted shortly thereafter, so far as I know, it was not used in the planning of the South Vietnamese operation. I do not know the latter for a fact. I will check it and answer it for the record.

(The following was subsequently supplied.)

We have found no evidence that any information gained on the DeSoto patrols was used in the planning of the South Vietnamese operations.

Senator McCarrery. All right.

TRANSMISSION OF INFORMATION TO SOUTH VIETNAM

Secretary McNamara. Your second question—the same question with respect to the Pueblo in relation to South Korea. To the best of my knowledge, the Pueblo did not break radio silence from the time it moved on station, some time around January 10, to approximately January 23 and, therefore, could not during that period have transmitted any knowledge to the South Koreans. I am not aware that we had any plans, had the Pueblo voyages been completely successful, to transmit any knowledge to the South Koreans.

Senator McCarrery. That answers the question. I am sorry we had the confusion over the question.

CARRIERS IN THE TONKIN GULF AREA

The Chairman. Mr. Secretary, what carrier was in the Gulf of Tonkin when this affair started?

Secretary McNamara. Pardon me, Mr. Chairman.

The Chairman. What carrier, aircraft carrier?

Secretary McNamara. I believe the 72nd was in there.

The Chairman. Was a second carrier moved in shortly before the second incident on the 4th?
Secretary McNamara. Mr. Chairman, my memory is faulty, I do not recall. I will be happy to answer it for the record.

The Chairman. Do you know, General Wheeler?

General Wheeler. At the time of the first incident, the Ticonderoga was in the Tonkin Gulf area. The Constellation was in Hong Kong, and we started to sail her south from Hong Kong toward the Gulf of Tonkin.

The Chairman. Shortly before August 4?


The Chairman. Had she arrived in the Gulf of Tonkin by August 4?

General Wheeler. She had not, sir. She was still outside the Gulf of Tonkin.

WHY IT WAS NECESSARY TO GO CLOSE TO COAST

The Chairman. Mr. Secretary, according to the orders sent to the Maddox and Turner Joy the ships were directed to go toward the North Vietnam coast and then retire to sea at night. The track of the ships took them within 8 nautical miles of the North Vietnam coast, and 4 nautical miles of the North Vietnamese islands. Why was it necessary to go so close to the coast?

Secretary McNamara. Just a minor point, Mr. Chairman. I think the Maddox was authorized to go as close as 8 miles, not directed to go to 8 miles, and I believe the Joy, when it was added to the Maddox, was restricted to an area no closer than 11 miles, and in the latter case the Maddox and the Joy, operating under the restriction of no closer than 11 miles, did not actually go closer than 16 miles. The purpose of allowing such a proximity to the coast was, of course, to obtain the maximum amount of information on coastal activities.

The Chairman. They went as close as 4 miles to the islands, did they not?

Secretary McNamara. Yes, I am not sure they went as close as 4 miles, but they were authorized at least on July 30, to go as close as 4 miles.

The Chairman. They were authorized, and they were authorized to go no closer than 15 miles from the coast of Communist China; is that correct?

Secretary McNamara. That is correct.

OUR LEGITIMATE RIGHTS IN INTERNATIONAL WATERS

The Chairman. According to the cables the Defense Department sent to the committee, the commander in chief of the Pacific Fleet sent a message to the Maddox and Turner Joy on August 4, stating that the termination of the patrol after 2 days as called for in the operational plan, "Does not in my view adequately demonstrate the U.S. resolve to assert our legitimate rights in these international waters."

What did the commander mean by this? That is a quote from his statement.

Secretary McNamara. Well, the portion that is the quote, of course, does not indicate the ship went within the territorial waters of North Vietnam. I would simply like the record to show that it did not enter the waters claimed as territorial waters by North Vietnam, or recognized as territorial waters by the United States.
The commander you referred to was simply responding to a suggestion from the task force commander or intermediate headquarters—I have forgotten which suggested that the patrol be terminated, and the commander you referred to said in his opinion, it should not be terminated, in view of the present President's statement of August 3, that we would continue to operate the patrol in international waters.

If we then terminated it, it would appear to him that we were changing the directive as made public by the President.

The CHAIRMAN. And he did not think it adequately demonstrated our resolve to assert legitimate rights.

Secretary McNAMARA. I think that is exactly the language he used...

The CHAIRMAN. That is the language from the cable.

Secretary McNAMARA. Yes.

Senator MORSE. May I refer to that cable a moment, the cable you just cited?

The CHAIRMAN. Yes.

Senator Morse. Mr. Secretary, don't forget in paragraph 2 of that cable he said, "Accordingly."

According to paragraph 2 of that: "Accordingly, recommend following adjustments in remainder of patrol schedule. Provided paragraph T2, reference B in order to accommodate commander, U.S. Military Assistance Commander in Vietnam. Request patrol ships remain north of latitude 19-10 north until O60600H—to avoid interference with 34A OPS. Four August patrol from points Delta to Charlie remaining north at 19-10 north."

Then later in the cable, he says, "The above patrol will clearly demonstrate our determination to continue these operations.

"B. Possibly draw NVN (North Vietnamese Navy) PGNS (patrol boat) northward away from the area of 34A OPS.

"C. Eliminate DeSoto patrol interference with 34A OPS."

CONNECTION OF MADDUX AND TURNER JOY WITH SVN FLEET

Here you get from the commander of the fleet out there, specific reference to the operations of the South Vietnamese attacking boats with instructions to our destroyers. That is where you lose me, unless there is some break in my thinking, that is where you lose me if it is the contention that we were not using the Maddux in connection in some way with the attacks.

It is only my premise, and I am not reaching any final conclusion until I hear all of the record—I hope I am too good a lawyer for that—but it seems to me that these cables that we got from your own Department show that instructions went out to the Maddux and to the Joy in relationship to 34A, and they were being used.

Now, if they were, does that make any difference whether they were on the high seas or not, if they were acting as a provocateur, if they were in fact cooperating with the South Vietnamese boats? You are not arguing, are you, that the North Vietnamese had no right to attack them on the high seas?

Secretary McNAMARA. I am arguing, Senator Morse, that the reason for the change in the area border from which area the Maddux was to be restricted was designed by the U.S. commander in South Vietnam to further separate the Maddux from the 34A operations in order to assure that there was less reason for anybody, including the North Vietnamese, to associate the two.
I am arguing further that the North Vietnamese themselves have stated that they did not confuse the two.

Senator Morse. Well, Mr. Secretary, you give us the testimony of a captured prisoner or two, which does not bespeak what the naval operators of North Vietnam not captured were thinking. After all, when you are using a prisoner as a witness, you are certainly not using the best witness.

POSITION OF DESTROYERS IN 34A PROJECT

You see, one of the things that disturbs me is that I think the cablegram itself shows that we were trying to draw those North Vietnamese boats away from the South Vietnamese boats in order to give the South Vietnamese boats greater freedom of action, and that if that is not involving our destroyers in the 34A project, I do not know what it is.

I think we were using them as a decoy.

Secretary McNAMARA. Senator Morse, had we been using them as a decoy, we would not have so substantially increased the restricted area.

This move to north of 19 degrees 10 minutes was a move of about 200 miles, moving the northerly boundary of the restricted areas farther and farther away from the 34A operations.

Senator Morse. That's the kind of a good decoy if you are trying to get the North Vietnamese boats to follow them.

Secretary McNAMARA. No, because then the North Vietnamese boats knew that our boats had no hostile intent and played no hostile role. They knew that from having tracked them the previous nights, and they knew that from previous patrols, so there was no basis for this assertion by the author of that cable and, by the way, he said it would possibly draw them to the north. There was no--

Senator Morse. Possibly in that context could be interpreted as hopefully.

Secretary McNAMARA. In any case it was not possible and it was not a plan, and it was not the purpose of the Decoto Patrol, and the Joint Chiefs had never considered that, and would never have approved any purpose to permit such a purpose to be achieved.

Senator Morse. It is most unfortunate you had them anywhere near there while the South Vietnamese attacks were going on because you opened yourself, I think, to this kind of an interpretation of the messages.

The CHAIRMAN. Could I say to the committee that the Secretary has a luncheon engagement and I thought we would adjourn at 12:30. The Secretary has agreed to come back at 2:30 if that is agreeable to the committee. We will have our floor vote around 1 o'clock.

Could I ask this, Mr. Secretary, I wonder why we were not given the fact that you had another prisoner in 1967? They told us about the prisoner in 1966, but Mr. Nitze never indicated you had a further prisoner in 1967 who testified? I think you should have notified us of that.
Secretary McNamara: I think so, too. Mr. Chairman, I must say I wish we had. We would have avoided some of the controversy because the testimony of a 1966 prisoner was not nearly as comprehensive or as illuminating on the participation by North Vietnam in the August 4 attack as was the testimony of the prisoner of July 1967 which I think came to light only within the past few days.

The Chairman: I see.

Senator Lautsche: Mr. Chairman, may I have just 1 minute?

The Chairman: The Secretary wants to go.

Secretary McNamara: Mr. Chairman, I am quite happy to stay longer if the committee wants me to. I would be delighted to that, and also come back later this afternoon.

The Chairman: We will go to a quarter of one if you like.

Senator Lautsche: Yes.

WHAT IS OBJECTIVE OF THIS MEETING?

I would more clearly be able to see what is sought to be proved if I knew the objective of this meeting. One, were we trying to prove we were in territorial waters of North Vietnam and, therefore, North Vietnam had the right to shoot at us?

Two, are we trying to prove we were not shot at and that we initiated the shooting under a misapprehension of the facts?

Two avenues are sought to be followed, and there is nothing clear in what has been developed this morning; rather, two and a half hours of what the real objective of this meeting is.

It looks to me as if it is trying to put the United States in a bad light and the North Vietnamese in a good light, and I cannot subscribe to that.

Senator Morse: Mr. Chairman, could I say something about procedure?

The Chairman: Senator Morse.

Senator Morse: It is easy in situations such as this for sincere men with some different viewpoints trying to find one to check their own viewpoints against the evidence that the Secretary of Defense can offer us, to take the position that we are trying to put our country in a bad light, as Senator Lautsche suggests.

There is no basis for that at all. I think this is so important that we try to find a way of reaching an understanding with regard to the Gulf of Tonkin.

I am not convinced by anything the Secretary has said this morning that we followed the proper course in regard to the Maddox and the Excelsior in reference to this incident, and that is why we want his answers to these cables, and we want the supplements to these cables of information we do not have, anything that he can give us.

There is still every reason for my continuing to believe that we followed an unwise course of action in the Tonkin Bay incident, and that we do not have clear hands in regard to what happened over there. It just happens to be my honest opinion. But that does not mean I am not going to change it before this hearing is over.

So the procedural point I make, Mr. Chairman, I think we ought to continue. I think this has been very beneficial. Each person will get his turn to discuss this.
I think you have done a magnificent job in carrying out this meeting. We ought to meet this afternoon, but whatever hours the Secretary has indicated are necessary would be of assistance to us. I am not so sure that you can finish this afternoon. If you cannot, we ought to meet tomorrow morning. This is the last opportunity that we will have to talk to the man who is the best witness in regard to helping us get the facts because he was Secretary of Defense at the time, and I hope that there will be no attempt to restrict the chairman or any other member of this committee from taking the time we need to carry out what we think our duty is.

Senator Gore. Mr. Chairman, could I have a half minute to answer, to attempt to answer, Senator Lausche's question?

The Chairman. Yes.

EXAMINATION OF TONKIN INCIDENTS

Senator Gore. Before you entered the room, Senator Lausche, the chairman, stated the purpose of the hearing was to develop as fully as possible the true facts relating to the incidents in the Gulf of Tonkin, in the process of examining the decision making process of the United States in a crisis; is that correct?

The Chairman. That is correct.

Senator Gore. Now, the country, rightly or wrongly, has taken itself---has been taken into a war that has proved rather disastrous, and it is important not only from the context of history but for the future of our country to examine this particular incident and develop the truth. Insofar as I am concerned, I share in the objective the chairman stated, as the chairman stated it.

The Chairman. That is correct. This resolution has been interpreted by the administration as a "functional equivalent" of a declaration of war under the Constitution. I do not accept that definition, but in any case that is what Under Secretary of State Katzenbach said.

It seems to me how one makes a decision that inspires a functional equivalent of a declaration of war is very important to the country and to this committee.

Senator Lausche. The paper that was submitted in the last 2 weeks, and which I read, presented its judgment or its implied recommendations on the claim that we were never fired upon, that there was proof of those on the ship who said, "We saw no torpedoes," and the implication was that we initiated the firing.

Well, today I do not know, the questions are directed not to that, to proving that point, but to prove the point that we were in waters in which we were not allowed to be and, therefore, the Communists had the right to shoot at us.

I do not know which direction you are moving and in trying to establish some conclusions as a consequence of this meeting.

The Chairman. Mr. Secretary, then with your permission we will go until a quarter of one.

I would like to get through this because then each member will be called upon for his own questions. These questions are all based upon official documents which we have received, and that is why I thought it was important to address the initial questions to them.

I will go through one or two more before we adjourn.
Mr. Secretary, some 15 hours before the second incident on the 4th of August, the Maddox sent a message to the commander of the 7th Fleet stating that evaluation of information from various sources indicated that the North Vietnamese considered the patrol directly involved with the South Vietnam attacks on North Vietnam. These attacks, as has been stated, took place on the night of the 3rd and 4th of August.

Could you tell us what the nature of this information that the Maddox received was?

Secretary McNamara. Mr. Chairman, I have already responded to that question. It was asked an hour or so ago, and I stated then that the Maddox had not received any information that would have supported such a conclusion.

Captain Herrick, the man who wrote the cable, testifies today he can recall no information that would have supported the conclusion and, as I mentioned, a North Vietnamese prisoner stated that the North Vietnamese separated the patrol from the operations, knew they were not connected.

Senator Case. Was the cable sent?

The Chairman. Yes. This is a cable from the Maddox:

Senator Case. No question about that, Mr. Secretary?

Secretary McNamara. Oh, no, no.

The Chairman. This was the language I mentioned.

Senator Case. Is there a suggestion that somebody else other than the commander sent a cable?

The Chairman. No. Who was the commander?

Secretary McNamara. Herrick.

The Chairman. Where is he now?

Secretary McNamara. He is in this country.

The Chairman. What is his assignment?

Secretary McNamara. I think he is in the Norfolk area.

The Chairman. He was the then commander of the Maddox?

Secretary McNamara. He was the commander of the task force.

The Chairman. Who was commander of the Maddox?

Secretary McNamara. He was CTG 72.1 who was superior to the commander of the Maddox. They embarked a task force commander onboard the Maddox in addition to the commander of the Maddox itself.

The Chairman. Just for the record, who was the commander of the Maddox?

Secretary McNamara. I do not know.

The Chairman. Commander Ogier?

Secretary McNamara. Yes.

The Chairman. Who was commander of the Turner Joy? Barnhard?

Senator Gore. Who sent the cable?

Secretary McNamara. Herrick sent the cable.

Senator Morse. Do I understand he was on the Maddox when he sent the cable?

Secretary McNamara. Yes.

Senator Case. Now he says he did not have any —

The Chairman. Justification for it.
Secretary McNAMARA: This was speculation on his part, and he says he has no basis for speculation.

The CHAIRMAN: What I was really asking for, he says from various sources. I assumed this to have been some of these messages that we have previously talked about.

Secretary McNAMARA: We have gone over all the messages and I know of no information in them that would lead to such a conclusion, so I can only conclude that it was sheer speculation, unfounded speculation.

Frankly, I have in my own mind an explanation of why he sent it, but I do not think it bears on the issue at hand, and I am not going to repeat it to you.

WHY WAS PATROL NOT BROKEN OFF?

The CHAIRMAN: For the record, why was the patrol not broken off if we were certain that the North Vietnamese considered our ships part of an attack on North Vietnam?

Secretary McNAMARA: We were not certain they considered it. We had every reason to believe that they did not believe our ships were preparing to attack North Vietnam.

The CHAIRMAN: They did not?

CABLE FROM THE PHILIPPINES

As to the second incident itself, I want to read a cable sent to Washington in the immediate aftermath of the second incident by the Naval Communications Center in the Philippines. I want to note, as background, that this naval facility had monitored all of the messages coming from the Maddox and the Turner Joy during the incident. The text of the message from the Philippines, after review of all the reports from the Maddox and Turner Joy, reads as follows:"

Review of action makes many recorded contacts and torpedoes fired appear doubtful. Frank weather effects and over-eager sonarman may have accounted for many reports. No actual visual sightings by Maddox. Suggest complete evaluation before any further action.

With a cable like this coming from the Philippines, it seems to raise a very serious question as to why, in view of this suggestion, at least some reasonable investigation or delay in time in order to clarify was not taken.

I think, Mr. Secretary, you will have to admit that this was a pretty clear warning that there were some uncertainties about the situation.

Secretary McNAMARA. Mr. Chairman, let me make sure we have the right cable so we can all be talking about the same thing.

The CHAIRMAN. Mr. Bader, bring the document.

Secretary McNAMARA. Give me the time date, let me get it from them.

[Deleted.]

The CHAIRMAN. Will you place it in time context?

Secretary McNAMARA. Yes. You say that is from the Philippines? My message in front of me indicates it is from the commander of the task force.
Mr. BADER. It is from the Communications Center, Philippines to CINCPAC Fleet, and then it—

Senator Gore. Read it.

Mr. BADER. It is the same cable that the Senator just read.

Review of action makes many recorded contacts and torpedoes fired appear doubtful. Freak weather—

Secretary McNamara. Let me look at the cable because you may have misidentified it.

Senator Gore. Let him read it first.

Mr. BADER (reading):

Freak weather effects and over-eager sonarman may have accounted for many reports. No actual visual sightings by Maddox. Suggest complete evaluation before any further action.

This is a copy of the original cable, Mr. Secretary.

Secretary McNamara. I just want to see the identification on the top. General Wheeler. It is a relay from the commander of the task force.

Secretary McNamara. I think I am correct in saying this is a message from the task force commander. It is of some importance, as you will see later, who it came from. The underlying message is here. I will be happy to give it to you. It is exactly the same words.

Mr. BADER. Mr. Secretary, it is marked as NGS Phil.

Secretary McNamara. Yes, but that is the relay point. The message from the task force commander goes to the Philippines and then is relayed on here, and that message, therefore, is from the task force commander.

Now, the reason it is important—

The CHAIRMAN. I am not sure it makes it any clearer.

Secretary McNamara. I am not arguing. I just want to get the facts straight.

The CHAIRMAN. All right.

Secretary McNamara. Now, that message came in to us, I believe, at 1327 on the 4th of August, and it is a message from the commander of the task force stating that atmospheric conditions and sea conditions and other conditions cast doubt on some of the reports of firings, observations, and torpedoes.

Senator Morse. Is that Herrick again?

Secretary McNamara. Yes.

Senator Morse. He was on the Maddox?

Secretary McNamara. Yes.

Senator Morse. And from the Maddox he sends this wire which raises questions of doubt.

Secretary McNamara. That is correct. At least, that is the way my message reads. It reads "From the Commander of Task Group 72.1," which is him.

Senator MUNDT. Would he be in a better position to know what happened?

Secretary McNamara. Oh, yes. I am not disputing the point. I am just trying to get the record clear as to where the message came from, and it is important that he raised these points himself.
What would you think we would do when we got it? Well, obviously, we were concerned, and we immediately began to examine it, and I have here a whole series of steps we took at that point as to what was done. I personally called Admiral Sharp and brought this to his attention, and said we obviously do not want to carry out retaliatory action unless we are "damned sure what happened." Those were the exact words.

The CHAIRMAN. Did you see the cable?

Secretary McNAMARA. I am not sure I saw the cable or whether it was brought to my attention in an oral report. General Burchinal, who was then Director of the Joint Staff, was downstairs a floor below my office, and I had a number of telephone conversations with him, and I do not know whether I saw the document or whether he reported it to me. But anyhow, I got the information, because I then called Admiral Sharp, and I have a transcript of that telephone conversation in which the specific words were, "We obviously don't want to carry out the retaliatory strike unless we are damned sure what happened."

Then the instruction was to go find out.

Now, there is a lot of exchange here, Mr. Chairman. You may not want to take the time now to go into it.

Senator MURPHY. We had better wait until 2:30.

Secretary McNAMARA. If you do I am willing to go through it.

The CHAIRMAN. If you wish then, it is a quarter of 1, and we will just resume at this point, if that is agreeable.

Secretary McNAMARA. I will be happy to do that.

The CHAIRMAN. All right.

Secretary McNAMARA. Mr. Chairman, may I say I notice there were press out in front when I came in. It will be my intention to walk out there and say nothing.

The CHAIRMAN. That is mine, and I am going to say I have nothing to say, which is exactly what I am going to say.

(Whereupon, at 12:43 p.m., the committee recessed to reconvene at 2:30 o'clock the same afternoon).

STATEMENT OF HON. ROBERT S. McNAMARA; ACCOMPANYED BY GEN. EARLE G. WHEELER AND CAPT. H. B. SWEITZER—Resumed

Secretary McNAMARA. We have, Mr. Chairman.

The CHAIRMAN. In view of that, there are some here who said their people called them and they wanted it. You have some copies here.

Secretary McNAMARA. Yes, right. I will tell you what I did, Mr. Chairman. UPI 109, which came out about 1:22 this afternoon, after we had all left here, stated that a member of this committee said today one of the vessels involved in the 1964 Gulf of Tonkin incident penetrated North Vietnam's 12-mile limit. The information was given the committee by McNamara. That is just—

The CHAIRMAN. Who did that?
Secretary McNAMARA. I would rather not say. I have it here if you wish to read it. UPI 109. But that is just contrary to what I said this morning. I cannot stand without having what I said in my statement issued.

Senator Cooper. I have been asked if you said it. I said you did not.

The CHAIRMAN. It says Senator McCarthy said it.

Secretary McNAMARA. That is why I released it.

Mr. Chairman, I had instructed my people under no circumstances to release it and they did not release it until I issued the instructions to them.

The CHAIRMAN. When I went out I said I had nothing to say.

Secretary McNAMARA. So did I.

The CHAIRMAN. They said, "Are you going to have anything to say this afternoon?" I said, "Not so far as I know."

Senator Symington. Will the chairman yield?

Mr. Chairman, the Navy is up before the Armed Services Committee, and I plan to go back there. Before leaving, however, may I remind us that at a previous meeting I felt we first ought to have somebody discuss this matter, somebody from a "high classification" standpoint, CIA or DIA. We kicked that around a bit.

It is clear the Secretary himself was not alone responsible for the orders out there. Every Senator should have the right to know the full details of what went on, but I would again point out the witness would not be the only one to make any decision.

I would express my regret that any member of the committee said anything to the press if there was agreement not to say anything.

If you will excuse me, Mr. Secretary, I would like to go back and listen to why we need all that money. [Laughter.]

Secretary McNAMARA. Thank you very much, Senator.

Senator Symington. It is a lot.

The CHAIRMAN. Well, the committee will come to order.

NAVAL COMMUNICATION RECEIVED FROM PHILIPPINES

We were, when we adjourned, discussing—just for the record I will reread it, a report, a cable, or message that was relayed by the communications—Naval Communications Center in the Philippines, a message that had been sent by Commander Herrick of the task force. It reads:

Review of action makes many recorded contacts and torpedoes fired appear doubtful. Fleet weather effects and overeager sonarman may have accounted for many reports. No actual visual sightings by Maddox. Suggest complete evaluation before any further action.

To pin it down again, when was that message sent?

Secretary McNAMARA. I believe it was sent—the number date group is [deleted] meaning Greenwich time, and that would mean it was sent at—on the 4th of August at around 1:50 p.m., eastern daylight time.

The CHAIRMAN. What was local time?

Secretary McNAMARA. Local time would have been around 1:30 a.m.

August 5.

The CHAIRMAN. Approximately 4 or 5 hours after the attack took place.

Secretary McNAMARA. Yes, perhaps 3 hours.
The Chairman. Is that approximate?

Secretary McNamara. Three hours.

The Chairman. Three hours afterward, and it was received in Washington—

Secretary McNamara. Essentially a few minutes.

Senator Gore. If you will yield so that I may relate something.

The Chairman. Yes.

Senator Gore. One instruction to the task force was that it search the area for debris. Was this after the search for debris?

Secretary McNamara. Substantially before the search for debris. I have forgotten the exact times. I can give it to you or insert it in the record. It was the following day that the search for debris was to take place.

(The following was subsequently added:)

The instruction to search for debris was initiated at 3:30 p.m. EDT.

Senator Gore. In that connection, did they find any debris?

Secretary McNamara. I do not believe so.

Senator Gore. Thank you, Mr. Chairman.

The Chairman. As a matter of fact, this approximately 1:30 a.m. would be on the 5th, would it not? It would have been a.m. of the 5th.

Secretary McNamara. That is correct, local time. If I said around 1:30, I meant around 1:30, Mr. Chairman.

The Chairman. 1:30.

Secretary McNamara. On the 5th.

The Chairman. The morning of the 5th.

Secretary McNamara. That is correct, local time.

The Chairman. That is right.

Well now, will you come back to that message. Did you have something to say?

Secretary McNamara. Yes, Mr. Chairman; if I may take a few minutes of your time, I would like to tell you of a sequence of conversations with respect to this subject. Because needless to say we were concerned about the question raised. Although the message itself does not state that he questioned whether an attack had taken place, it did say that many reported contacts and torpedoes fired appeared doubtful. So we began then to correlate information and ask for further views and evaluations from the commander in chief of the Pacific.

CONVERSATION WITH PACIFIC COMMANDER

At roughly 2:45 Eastern Daylight Time, which is roughly an hour and 20 minutes later, the commander in the Pacific, or rather the commander of the task force, reported to the commander in the Pacific that he was certain that the original ambush was bona fide. This is a message on [deleted]. Details of the action present a confusing picture, but he had made positive visual sightings of cockpit lights or similar lights passing near the Maddox, and the Turner Joy reported two torpedoes passed near her.

Then, at 1500, roughly 3 hours after the report I just gave you, I met, along with Secretary Vance, with the Joint Chiefs of Staff to review all of the evidence relating to the attack, to determine whether, in fact, an attack on the destroyers had occurred. We met for about 2½ hours discussing it, reviewing it, considering particularly
the communications intelligence information we had available to us, and then at 1728, which was 2 hours 28 minutes after the meeting started, we received a telephone call from the commander in chief of the Pacific stating that in his opinion the attack had occurred.

I should have mentioned earlier that about 40 minutes before that telephone call, this is to say at 1640, the commander in chief Pacific had called in stating that he had received the information from the commander of the task group, saying that the commander of the task group was certain the original ambush was bona fide and had made positive visual identification of cockpit lights, and reporting that the \textit{Turner Joy} had reported two torpedoes.

Then, as I say, about 43 minutes after that the commander in chief Pacific called back again while I was still in the meeting with the Joint Chiefs, stating that he was convinced the attack had occurred and that all were satisfied it had.

Then, at 1807, which was 34 minutes after that, the commander in chief Pacific called again, and I was present down in the Joint Chiefs quarters when the call came in. We discussed it, and he stated he was fully assured the attack took place. I stated that I was then convinced that it had, and I released the Executive order on the strike. So that between 1327 and 1807 we were reviewing the information that bore on whether an attack had taken place.

Senator Gore. Would you mind stating again what he said in the call at 1807?

Secretary McNamara. Yes. I spoke to the director of the Joint Staff and asked him to make certain that the commander in chief, Pacific was willing to state that the attack had taken place, and therefore that he was free to release the Executive order because earlier in the afternoon I had told him that under no circumstances would retaliatory action take place until we were, to use my words, "damned sure that the attack had taken place.

He confirmed that he believed the attack had taken place. I stated that after my further discussions with the Chiefs and reexamination of all of the evidence, particularly the communications intelligence, that I was convinced it had taken place and therefore he was free to release the Executive order.

\textbf{COMMITTEE REQUEST FOR RELEVANT INFORMATION}

\textbf{The Chairman.} Were these conversations—did we receive copies of these reports?

\textbf{Secretary McNamara.} I do not know that you did, Mr. Chairman.

\textbf{The Chairman.} It seems to me they are relevant to this situation. Why did we not?

\textbf{Secretary McNamara.} I do not know that anyone asked. Nobody asked me for them. But in any case I will be happy to see that you get such information.

\textbf{The Chairman.} We—I think we should have them. As I told you in the beginning, obviously we cannot know all that is available. It was my understanding with Secretary Nitze that all relevant communications would be made available. It seems to me this certainly should be made available. They do not involve any highly secret matters, and I think all of it should be made available.
Secretary McNamara. Mr. Chairman, I am quite happy to make it available to you. Nobody queried me about it. These were conversations I had with Admiral Sharp. I do not know all of the records that are available in the Department on such matters. But I know what I said to him, and I will be happy to check to see whether there are records.

(The check is in progress according to the Department of Defense.)
Senator Lausche. What was Sharp in charge of?
Secretary McNamara. He was commander in chief of the Pacific at that time.
Senator Lausche. Pacific.
Senator McNamara. Yes, and had his headquarters in Hawaii.
The Chairman. I do not think I recall seeing any records of conversations of that kind, Mr. Bader; did we?
Mr. Bader. I did not hear.
Mr. Marcy. No, sir; we did not have any conversations.
The Chairman. I think we should have all of those that are relevant to this situation. It was my understanding that we were to be given those, with the sole exception of that one communication that you said was an intercept.
Senator McNamara. Mr. Chairman—pardon me, sir.
Senator Lausche. May I put a question at this time, Mr. Chairman?
The Chairman. Sir?
Senator Lausche. May I put a question?
The Chairman. Yes.
Senator Lausche. The report that was submitted to us by the staff indicated that the commander of the Pacific sent a communication back to the commander of the 7th Fleet asking that a careful check be made to make certain that there was an attack and that communication indicating that the commander of the Pacific was in doubt has been used as the basis of a charge that there was no attack made. Will you comment on that?
Secretary McNamara. Yes.

**DOUBT ABOUT ATTACK**

The commander in the Pacific at one point was in doubt—I do not believe as to whether an attack had been made, but as to the character of the attack and the details of the attack and his doubts occurred for at least two reasons: First, because he had received a copy of the message that we referred to a moment ago, message [deleted] from the commander of the task force reporting questions about certain of the details of the incident, and, secondly, the commander in the Pacific expressed doubts because I, having seen the same message, called him on the telephone and said I had seen it. I had doubts as to the details. I wanted him to examine them, supply me additional evidence and, to use my words, "be damned sure that no retaliatory action was taken until any doubts as to what went on were eliminated, at least to the point of justifying retaliation."

Senator Lausche. Then the use of the commander of the Pacific's communication to the commander of the 7th Fleet asking for extreme caution was the consequence of talks which you had with the commander of the Pacific that no retaliatory action be taken unless it was damned certain that there was an attack.
Secretary McNamara. That was one of the two contributing factors, the other being the cable he had gotten from the commander of the task force.

Senator Lausche. I might say that the report filed with the committee, the secret report, predicated doubts about the alleged—about the attack, because the commander of the Pacific asked for further information wanting to make certain.

Senator Gore. Mr. Chairman, I must say again that is not an accurate statement. I would like my friend from Ohio——

Senator Lausche. Point out where it is not an accurate statement. Senator Gore. I will not take the time now, but I will be glad to do it privately.

Senator Lausche. Point out where it is not, because that is the communication that went through.

Senator Gore. My friend from Ohio is all emotional about this.

Senator Lausche. I certainly am.

Senator Gore. But it is not an accurate statement. I will be glad to point it out to you privately.

Senator Lausche. Yes.

The Chairman. Proceed, Mr. Secretary.

Secretary McNamara. Mr. Chairman, that covers my comment on the details of the incident.

The Chairman. Is it understood you will make available all of the conversations during this period relative to this attack?

Secretary McNamara. That we have a record of; yes. I am not certain, Mr. Chairman, how much record we have. Generally speaking, there are no records made of telephone conversations in the Defense Department other than communications that happen to go through a very special channel, which is the channel of operational command, I do not allow any recordings, I have none in my office, and there are no recordings made of conversations in any other offices of the building with this single exception of the operational command channel.

I do not know how much of this will be recorded. I will have to examine it to see.

The Chairman. What is the source of your statement there?

Secretary McNamara. The source of my statement is my memory of what I myself said and did, since I am reporting on my own conversations.

The Chairman. I see.

Secretary McNamara. May I say one further thing? A moment ago someone mentioned that you understood you had been given all information excepting for one communications intelligence message. There were many communications intelligence messages that bore on this, at least nine, that I would like to acquaint you with this afternoon. I do not—if we have misled you to believing there was only one, I regret it. I am just commenting on the statement that someone made a moment ago.

CLASSIFICATION OF COMMAND AND CONTROL STUDY

The Chairman. Are these matters you are talking about now in the study that was prepared, the command and control study, which was not given to us?
Secretary McNamara: I do not know how much of it was in there. It does not bear a communications intelligence classification. I do not know why it does not. It is classified top secret. If it were to be—if it were based on communications intelligence and referred to it, it would have to be more highly classified. I myself cannot explain whether he did or did not have access to it. I have asked people to look into it. This is one of the problems I have with it. We do not know exactly what access the author had to all the information available. I know he did not talk to me. I know he did not talk to General Wheeler. I do not believe he talked to others who participated in the decisionmaking and evaluating process.

The Chairman. If I can clear up a point, did you agree this morning to make that study available to the committee?

Secretary McNamara. If the author of it had access to raw material such as to allow him to give a balanced picture of it—and I frankly do not know—it is a very long, long detailed study. I understand it was for the purpose of examining some of the procedures of the Joint Staff. The Chairman of the Joint Chiefs was not aware of it. I have not been aware of it. Neither one of us has yet had time to examine it in detail. I cannot tell you to what degree the author was acquainted with all of the facts relating to the incident. I know he was not acquainted with the facts I had in my mind because he did not ever talk to me about it.

Senator Gore. Mr. Chairman, if the chairman will yield.

The Chairman. Yes.

Senator Gore. Well, even though that be the case, it seems to me it would contribute to the probity of this procedure if we had the report and study, together with such information as the Secretary and his assistants think was lacking by reference or availability to the author. I hope the committee is going to dig quietly and thoroughly into this whole proposition because this is a very fundamental question about the decisionmaking process, and a question of war or peace.

The Chairman. It is.

Senator Gore. And I would hope that the Secretary would make it available, together with such deficiencies as in his view it suffered.

VERIFICATION OF INCIDENT WAS ADEQUATE

The Chairman. That raises a question, Mr. Secretary, that is after the incident in September I understand you convened a formal inquiry into that incident, is that not right?

Secretary McNamara. I think that I first sent out certain representatives of my own on an informal basis to check—to see whether there was sufficient basis for questioning whether the incident took place, and then later asked the Navy to set up an investigating group, Mr. Chairman.

The Chairman. That was not done on the August 2 one.

Secretary McNamara. No.

The Chairman. Why not?

Secretary McNamara. Of August 4.

Because the information was persuasive that it took place. I myself had doubts as to the incident of September 18 right from the beginning of the set of reports we received on it. It was not preceded
by, nor accompanied by, nor followed by intelligence reports of the kind that we had available to us on both the August 2 and August 4 incident.

The CHAIRMAN. Is that all you have then to say on that matter from Commander Herrick?

Secretary McNAMARA. Yes, sir, it is.

Secretary McNAMARA. Who was the sonarman on the Maddox to whom he refers—an overeager sonarman—do you know?

Secretary McNAMARA. I do not know whether he said man or men.

The CHAIRMAN. It says man.

Secretary McNAMARA. I can find out the name of the man.

The CHAIRMAN. I just thought you had it there. If you could supply it for the record.

Secretary McNAMARA. Surely, I would be happy to.

(The following information was supplied:

To the best of our knowledge, his name is David E. Mallow, Sonarman Third Class.

The CHAIRMAN. You said this morning Commander Herrick is in Norfolk.

Secretary McNAMARA. Norfolk, I believe.

I believe the message says "men," not "man," "overeager sonarman."

The CHAIRMAN. Was there more than one?

Secretary McNAMARA. Well, at least the message says "men."

TIME OF ORDER FOR ATTACK

The CHAIRMAN. When was the order you mentioned a moment ago, the executive order—

Secretary McNAMARA. Execute order.

The CHAIRMAN. When was that issued?

Secretary McNAMARA. When was it, what, sir?

The CHAIRMAN. When did you authorize it to be sent?

Secretary McNAMARA. At—

The CHAIRMAN. What time?

Secretary McNAMARA. 1807 eastern daylight time, August 4.

The CHAIRMAN. Which would be?

Secretary McNAMARA. 6:07 p.m.

The CHAIRMAN. Out there?

Secretary McNAMARA. Which would be in the morning out there.

The CHAIRMAN. Just 12 hours different, is it not?

Secretary McNAMARA. That is right, exactly; 6:07 a.m. August 5, gulf time.

The CHAIRMAN. Right. That was approximately 8 or 10 hours after the attack.

Secretary McNAMARA. That is right.

The CHAIRMAN. I will proceed with these others.

A review of the communications sent by the Maddox and Turner Joy during and after the incident on August 4 suggests that there was much confusion on the ships and contradictory information coming from the ships. Are you personally satisfied that the evidence, then available of the second attack on these vessels was so conclusive that
it was reasonable for the United States to retaliate by sending 64 sorties against North Vietnam?

Secretary McNamara. I am, Mr. Chairman, and in answer to the question, rather than take your time, I would like to have inserted here the first full paragraph on page 19 of my statement including the 10 or 11 bits of evidence available to me at the time the execute order was sent establishing beyond any reasonable doubt that the attack took place.

(The following information was subsequently supplied:)

Some of the details cited above, particularly the statements of eye witnesses, although gathered immediately after the attack, had not reached Washington at the time that the reprisal air strikes were ordered executed. Sufficient information was in the hands of the President, however, to establish beyond any doubt then or now that an attack had taken place. Allow me to repeat again that information:

- An intelligence report of a highly classified and unimpeachable nature received shortly before the engagement, stating that North Vietnamese naval forces intended to attack the MADDOX and TURNER JOY.
- Reports from the ships that their radars indicated they were being shadowed by high-speed surface vessels.
- Reports from the ships that they were being approached by the high-speed vessels and an attack appeared imminent.
- Reports from the ships that they were under attack.
- A report from the ships that searchlight illumination had been utilized by the attacking craft and that gun fire against the patrol had been observed.
- A report that two torpedoes had passed close to the TURNER JOY and that there had been positive visual sightings of what appeared to be cockpit lights of patrol craft passing near the MADDOX.
- An intelligence report stating that North Vietnamese naval forces had reported they were involved in an engagement.
- Reports from the U.S. ships that they had sunk two and possibly three of the attacking craft.
- An intelligence report stating that North Vietnamese naval forces had reported losing two ships in the engagement.
- A report from the on-scene Task Group Commander that he was certain that the ambush had taken place, although precise details of the engagement were still not known.
- A report from the Commander-in-Chief, Pacific that he had no doubt that an attack had occurred.

COMMAND AND CONTROL REPORT

The Chairman. The committee has information that the Department of Defense has a report on the operational command and control procedure during the second incident. Our information is that this study includes the text of communications between President Johnson and Admiral Sharp and others during the period when the critical decisions were being made. I understand that you have reviewed this study yourself; is that correct?

Secretary McNamara. Which study are we talking about, Mr. Chairman.

The Chairman. I did not know there was but one, on the operational command and control procedures, the one to which we have already referred.

Secretary McNamara. I have not read the entire study. It is a very thick document. I first learned of it a few days ago when you asked for it. I asked my staff to get it for me at the time. They did. I glanced through it. It raises lots of questions, one, because its classification is not high enough to indicate that it covers all of the intelligence in-
formation which contributed significantly to our conclusion that an
attack took place and, two, I know that the author of it did not discuss
with me, and I am told he did not discuss with General Wheeler, events
which took place during the day, and there are certain events which
took place during the day that only General Wheeler, or I, or the
President, or one or two others whom the author did not contact,
had knowledge of.

I am not aware, for example, of any communication between Pres-
ident Johnson and Admiral Sharp.

General Wheeler, do you know of any?

General Wheeler. I know of none, sir.

The CHAIRMAN. Who was the author?

Secretary McNamara. What was the author's name?

General Wheeler. Pontruo. He was an employee of the Institute
for Defense Analysis.

The CHAIRMAN. How do you spell his name?

General Wheeler. I do not know. I would say P-o-n-t-r-o.

The CHAIRMAN. Pontruo. Is he still there?

General Wheeler. Yes, he is, sir.

Senator Gore. Mr. Chairman, do I understand he made an un-
authorized study or was it authorized?

STUDY NOT BROUGHT TO THE ATTENTION OF PENTAGON CHIEFS

Secretary McNamara. He made a study for one of the sections of
the Joint Staff on certain procedures and operations that that section
was interested in. The study was not brought to the attention of the
chiefs and it was not brought to my attention, and I am not familiar
with how he made it or what access he had to information that bore on
the attack.

Senator Gore. Are copies widely distributed in the Department?

Secretary McNamara. Not to my knowledge.

Senator Gore. How many are there?

Secretary McNamara. I do not know.

The CHAIRMAN. General Wheeler, do you know about that?

General Wheeler. In the first place, this was not a study. It was a
critical incident report. I understand that there were some 40 copies
made. It was never coordinated within the Joint Staff. It has been the
practice within the Joint Staff, to have a series of examinations of
staff procedures, and this was one of the inputs to the methodology
of improving our staff procedures, Mr. Chairman.

The CHAIRMAN. Is this the only attempt to bring together these
various elements in one place? Is there any other study?

General Wheeler. I know of no other, Mr. Chairman.

The CHAIRMAN. This is it. If there is one, this is it.

General Wheeler. This is it, and, as I say, until a request was made
the other day, just like Mr. McNamara, I had never heard of this study
or critical incident report or whatever you want to call it. And it had
never been reviewed by the Joint Chiefs. It had never been subjected
to cross check within the Joint Staff, and, as the Secretary indicates,
scanning it, which is all I have had time to do, I find errors of fact and
I believe omissions that would be pertinent to any definitive study of
the operation.
The CHAIRMAN. Would either of you be willing to inform the committee as to what you do or you have observed in this report or do you wish not to?

Secretary McNAMARA. I would rather not, Mr. Chairman, because I have not had time to read this. I have been testifying before committees of Congress in the last 2 weeks and this is a document of great length, and I have not read it.

General WHEELER. I have read maybe a half dozen pages, Mr. Chairman, and that is all. And any comment I make would be incomplete and maybe misleading.

The CHAIRMAN. All right.

Does either the study of your own knowledge indicate there were considerable delays in receiving information from the ships and that as time went on there was increasing evidence throwing doubt on whether there had been an attack at all?

Secretary McNAMARA. Absolutely not.

Mr. Chairman, I would like at some point, subject to your permission, to review in detail the communications intelligence information which was very important in its effect upon our interpretation at the time of other evidence we received and very important in its influence on our decision at the time that an attack had taken place.

Senator MORSÉ. I think that is very important.

The CHAIRMAN. Pardon me.

Senator MORSÉ. I think it is very important whenever you want to have the Secretary do that that it be done.

The CHAIRMAN. I do, too.

SPECULATION ON NUMBER OF TORPEDOES FIRED

In the reports of the attacks from the ships on August 4, the figure of 22 torpedoes is given as the number of torpedoes fired at the Maddox and Turner Joy. How many North Vietnamese patrol boats would have had to have been 66 miles at sea at the time of the incident in order to fire 22 torpedoes?

Secretary McNAMARA. I do not know, Mr. Chairman. I am not entirely sure how many torpedoes each of the boats carried, but we had reason to believe at the time that there were not a large number of torpedo boats participating in the attack.

The CHAIRMAN. Then the report that there were 22 is still in error.

Secretary McNAMARA. I think it probably was. The report that came in from Admiral Sharp, after he began his investigation of the details, stated that the Turner Joy reported two torpedoes passed near here.

The CHAIRMAN. I think we have been told by someone that a PT boat carries two torpedoes. Does your staff know about that?

General WHEELER. That is correct.

The CHAIRMAN. Is that not correct?

General WHEELER. That is generally.

The CHAIRMAN. Does a Swatow boat carry torpedoes?

Secretary McNAMARA. A Swatow does not carry torpedoes.

Senator MORSÉ. Could I ask a question there, because you raised it, and I was going to ask the Secretary later.

On page 17 of your statement this morning you said:

In addition to the above, intelligence reports received from a highly classified and unimpeachable source reported that North Vietnam was making prepara-
tions to attack our destroyers with two Swatow boats and with one PT boat if
the PT could be made ready in time.

Before I jump to a conclusion, I thought that if the Swatow boats
attacked, they would attack with torpedoes but apparently they make
some other kind of attacks.

Secretary McNamara. They have guns, but they do not have torpe-
does, Senator Morse.

Senator Morse. Do they have heavy-caliber guns?

Secretary McNamara. No; relatively light, 37-millimeter guns, and
it was this information that we had available to us that caused us to
question some of the reports of numerous torpedo attacks.

The Chairman. It is unusual for a Swatow with a 37 millimeter to
attack a destroyer with 5-inch guns, anywhere under any circum-
stances, is it not?

ORDER FOR SWATOWS TO ATTACK

Secretary McNamara. Well, Mr. Chairman, I am prepared today to
show you the order to Swatows to do that.

Senator Morse. How fast can they go? Can they catch a destroyer?

Secretary McNamara. Yes.

General Wheeler. They can do 43 knots.

Senator Morse. They can?

Senator Pell. Excuse me; if I may interrupt for one second. You
mean there is available, there can be shown to us, an operational order
directing, a small light ship armed only with machineguns to attack
a destroyer?

Secretary McNamara. Yes.

The Chairman. Do you wish to do it at this point?

Secretary McNamara. Yes, I will have to ask the room be cleared of
all personnel for special—

The Chairman. Why do we not finish these and then we will come
to that. I did not know that was necessary.

Secretary McNamara. Very good.

The Chairman. Did the North Vietnamese use shipboard radar
during the attack?

Secretary McNamara, I believe the answer is “Yes,” but I cannot say
for sure.

General Wheeler. Yes; there is one message which talks about being
painted by what they thought was a skinhead radar, and the skinhead
is a name for a type of radar; a surface-search radar, which is carried
on a Swatow-class vessel.

The Chairman. Skinhead is a strange name. What does that mean
for a layman?

General Wheeler. All it is, it is a surface-search radar.

The Chairman. Surface search.

General Wheeler. Yes.

The Chairman. And you are saying that the Swatow did have skin-
head radar?

General Wheeler. They do have them, and, as I say, there is one
message in the events leading up to the attack. The commander re-
ported that he thought he had been contacted by a skinhead-type radar.

The Chairman. What was that message from? Who was it from?

General Wheeler. I will have to locate it, Mr. Chairman.

The Chairman. Do we have that message?
Mr. BADER. Senator, that is the summary of the attack from the ship itself.

The CHAIRMAN. This is from the Maddow.

Mr. BADER. It is from the Turner Joy. But this is a summation.

General WHEELER (reading):

The commander of Task Force 72.1 reported at (deleted) hours position of vicinity of Point Delta, suspect Red Shadow 16 miles to west. Skinhead radar detected on same bearing.

The CHAIRMAN. What is the time of that message?

General WHEELER. It would be roughly, 2:30 in the morning, eastern daylight time.

Captain SWITZER. The daytime group is (deleted) Zulu.

The CHAIRMAN. The time, the local time?

General WHEELER. The local time would have been around 1430.

The CHAIRMAN. Is that 2:30?

General WHEELER. Around 2:30 in the afternoon.

The CHAIRMAN. A.m.

General WHEELER. No, p.m. I gave it to you first in eastern daylight time.

The CHAIRMAN. You mean long before the attack?

General WHEELER. Yes.

The CHAIRMAN. This was very early in the game, before—

Captain SWITZER. It is the afternoon. The attack took place that evening.

The CHAIRMAN. This was about 6 hours before the attack took place?

General WHEELER. Roughly.

The CHAIRMAN. Is that correct?

General WHEELER. That is correct.

The CHAIRMAN. It was the afternoon of the 4th at approximately 2:30. I thought it was afterward. Read that again. I am getting the picture now.

General WHEELER. It said:

The commander of the task force reporting his position as being in the vicinity of Point Delta. Suspect shadow 16 miles to west, skinhead radar detected on same bearing.

The CHAIRMAN. Is that the only evidence of a radar being used?

General WHEELER. I cannot answer the question.

LOCATION OF TORPEDO BOAT

Senator GORE. Mr. Chairman, Point Delta is close to the Vietnamese coast, and I do not know what would be unusual about a torpedo boat or some other Vietnamese craft being at that point.

The CHAIRMAN. How close is it to the island?

Senator GORE. It is not—if you look on your map, it is not near the island. It is up here.

The CHAIRMAN. At the top.

Senator GORE. Just judging from this distance, I would say it is maybe 12 miles or 15 miles, something like that, from the coast.

The CHAIRMAN. I see. What I was trying to understand in my question here and I will ask if the North Vietnamese used shipboard radar during the attack. Yours is long before the attack, 6 hours before the attack.
General WHEELER. Then I responded incorrectly, Mr. Chairman.
I do not recall any message reporting anything during the attack.
I wanted to make the point here. Since you asked about radar, I was
making the point that shipboard radar associated with Swatow type
vessels were in the vicinity——

The CHAIRMAN. I see.

General WHEELER. Of the task group.

Senator Gore. Mr. Chairman, would there be anything particularly
significant about a Vietnamese Swatow boat being within the
coastal——

General WHEELER. The only point I am trying to make, Senator, is
this: He reported he suspected a shadow 15 miles to his west, a vessel
that was shadowing him and using radar to keep him under detection.

Senator Gore. If he was near the Point Delta, which I am advised
here was 11 miles east of the Vietnam east coast, and if he observed a
Swatow some miles west of him, that would mean that he observed
maybe, if that is what it was, a Vietnamese Swatow somewhere along
the Vietnamese coastline.

General WHEELER. This would be possible, yes, sir.

Senator Gore. What would that indicate?

General WHEELER. The point I am trying to make, Senator, is that
he felt he was being shadowed by this vessel. The vessel was fol­
lowing him and tracking him, keeping him under observation.

Senator Gore. Would that be unusual if a U.S. vessel were 11
miles off the Vietnamese coast, would it be unusual for a Vietnamese
Swatow or gunboat to be watching somewhere between him and the
coast?

General WHEELER. Well, I would say that in the past De Soto
patrols there had been intermittent contacts but not the steady con­
tact that the task force commander was reporting.

Senator Gore. I do not wish to be niggling about it, but it just
does not seem to me it shows anything.

The CHAIRMAN. Let me see if we can get to this. If during the
attack the Maddow and Turner Joy detected this radar, they would
report that, would they not, during the attack?

General WHEELER. I am not sure, Mr. Chairman. I cannot answer
the question.

MEANS OF LOCATING AMERICAN VESSELS

The CHAIRMAN. Let me ask you, if there was no radar, how would
these patrol craft manage on a dark night, which the Secretary has
already described, to find the Maddow and Turner Joy 65 miles at
sea, how would they possibly locate them without radar?

General WHEELER. They could be using some variety of radar,
which is one way of doing it. I have some naval officers here. Maybe
they could advise me better as to other ways they might do it.

The CHAIRMAN. Would radar be the normal way for this kind of
a boat to locate another?

General WHEELER. I have been given three answers. They could
track on the wakes of the destroyers, they could have been vectored
by radars on the shore, or they could have been vectored from Swatows
over the horizon.

The CHAIRMAN. Well, in the Turner Joy's communication of the
5th, it is hard to identify this, the date time is [deleted] says this;
“Estimate two PT’s attack originally. However must admit two factors defer. No. ECM”—which I take it is electronic activity—activity from PT boats. However, tactics seem to be to bore-sight on wake thus accounting for lack of radar signals. No sonar indications of torpedo noises even that which passed down side. Self noise was very high.”

In other words, he is saying there was no radar signal during the attack. He says no sonar indication or torpedo noises, even that which passed down side. Self noise was very high. We gather from other messages that when these destroyers rev up to 30 knots or more, that it interferes with the operation of the sonar; is that correct?

General Wheeler. That is my understanding.

The Chairman. That is my understanding from this. So it would indicate there was no radar during the attack.

Mr. Secretary, I will try to get on with this. Are you satisfied that the command and control techniques then used were adequate and that the President had such reliable information available to him that he could reasonably have ordered the air strikes against a nation with which we were not at war?

Secretary McNamara. Yes, sir, I am.

SCOPE AND RETALIATION

The Chairman. Why did the United States consider it necessary to retaliate against North Vietnam in a manner so completely disproportionate to the nature of the offense?

Secretary McNamara. Mr. Chairman, I do not believe it was disproportionate to the offense. We had had two attacks on U.S. naval vessels operating on the high seas in an entirely legal fashion. One of the attacks occurred after a warning from the President that we would continue to operate in those waters in a legal fashion and that a further attack would have grave consequences. The attack itself was very limited in character; it was directed against the bases of the attacking boats and their petroleum support facility. It was not followed by any further actions.

The Chairman. How many missions were flown against the installations on the shore?

Secretary McNamara. I cannot give you the answer from memory, but I will be happy to insert it here.

(The following information was supplied:)

64 attack sorties were flown against the installations.

The Chairman. Well, there were 64, were there not?

Secretary McNamara. I do not recall the number.

The Chairman. Why do you call 64 missions such a limited attack occurring within hours after that? I think that is a very vigorous attack.

Secretary McNamara. It is a limited response because we attacked such low-value targets as the bases of the PT boats instead of the much more important military targets that lay within the range of those 64 flight paths.

The Chairman. Why did we not take the issue to the United Nations before retaliation?

Secretary McNamara. We had no reason to believe the United Nations could have acted in any effective manner.
The CHAIRMAN. Why did we not protest to the International Control Commission as the North Vietnamese did on July 31, 2 days before the first incident, when Hanoi formally protested the attacks on its islands?

Secretary McNAMARA. Because the International Control Commission has a record of failure in investigating incidents of this kind and has consistently refused to extend its operation to the point where it can investigate them effectively.

Senator LAUSCHE. May I ask a question?

The CHAIRMAN. Yes.

Senator LAUSCHE. Do you know of any incident in which the International Control Commission, I think made up of Canada, Poland, and India, has taken action when requested so as to bring about a settlement of disputes?

Secretary McNAMARA. I know of none. I know of some cases, some of them quite recent, where it has even refused to accept outside help offered to it when the ruler of the nation in which it is located has asked that it increase the effectiveness of its investigation.

ROLE OF THE UNITED NATIONS

Senator LAUSCHE. Have we gone to the United Nations asking it to intervene in South Vietnam and has the United Nations in any event intervened?

Secretary McNAMARA. The United Nations has not taken effective action with respect to South Vietnam although we have on many occasions indicated our willingness to have it act in the situation.

Senator LAUSCHE. Why has it not taken action?

Secretary McNAMARA. Senator Lausche, I can only conclude—

Senator LAUSCHE. Well, Russia will not permit it to do it.

Secretary McNAMARA. Yes.

Senator LAUSCHE. So the questions why we did not go to the International Control Commission and why we did not go to the United Nations are answered by the fact that neither of those agencies have ever exercised the authority assigned to them.

The CHAIRMAN. I do not wish to argue about it.

Senator LAUSCHE. But your questioning implies—

The CHAIRMAN. I do not think it is correct. I think your statement is quite in error.

Senator MORSE. We never submitted a resolution to the United Nations that meets the law—never.

The CHAIRMAN. It is not the issue in this case about Vietnam. The North Vietnamese did protest after the attack on the 31st, which was just a few days before, to the ICC.

Mr. Secretary, when was the decision made to bomb North Vietnam?

Secretary McNAMARA. The execute order was released at 1806, I believe, 1807.

The CHAIRMAN. That is the issue.

Secretary McNAMARA. On the 4th of August.

The CHAIRMAN. When was—was there no consideration of this prior to that time?

Secretary McNAMARA. No decision was made prior to that time, Mr. Chairman. The consideration of it, the discussion of it, had proceeded all day long starting at the Department of Defense level at about 10 o'clock that morning.
The CHAIRMAN. And the decision to execute it was deferred until after the attack, but the orders were already made, is that right?

Secretary McNAMARA. No, sir; consideration of it was not even undertaken until we received a message indicating that the North Vietnamese had issued orders to initiate the attack. The discussion of it took place during the attack and after the attack, and the execute order was issued after we were certain in our own mind that the attack had taken place and that it was intentional.

The CHAIRMAN. So that you are certain that no decision was made to attack North Vietnam prior to the issuance of the execute order.

Secretary McNAMARA. I am positive of that.

The CHAIRMAN. General Wheeler told us during the August 6 hearings that the North Vietnamese patrol boats were found dead in the water at their base as the U.S. aircraft attacked. If the North Vietnamese had actually attacked the Maddox and Turner Joy, why would they leave offensive patrol craft tied up at the dock without any alert?

General WHEELER. I suppose they presumed since we had not retaliated against them after the first attack on Maddox that we would not retaliate when they had a second attack, Mr. Chairman.

Senator LAUSCHE. May I on that item comment, Why did we leave the Pueblo unprotected and unguarded when we were in there?

The CHAIRMAN. Well, I remember from your testimony it strikes me that they are extraordinarily stupid. If after having attacked at approximately 9, 10 o'clock in the evening, that all those boats are in their berths only a few miles, 60 miles away without any alert at all, sitting there quite vulnerable to destruction from attack—I would not do that.

General WHEELER. I would say there were two factors, Mr. Chairman. The one I mentioned a moment ago and the others would be the speed with which we retaliated. In other words, had they anticipated retaliation, they probably did not anticipate that we would be quite as prompt.

Furthermore, vessels which had taken part in the attack would undoubtedly have had to replenish after having gotten back to port.

BRIEFINGS ON NORTH VIETNAMESE TARGETS

The CHAIRMAN. Were the patrols and crews that participated in the attack against the North Vietnamese oil depots and patrol bases briefed on their targets prior to the incidents of August 4?

General WHEELER. No, sir; I do not see how they could have been.

The CHAIRMAN. Do you know anything, Mr. Secretary?

Secretary McNAMARA. No, I would say exactly the same thing, Mr. Chairman.

The CHAIRMAN. You say they were not.

Secretary McNAMARA. I do not know how they could have been. There was no plan to attack those targets, no decision to attack them. I do not know any reason why the crews would have been briefed on those targets.

General WHEELER. I was not present for a portion of the day because I had been absent in New York, and I did not get back to Washington until 4:30 of the afternoon—

The CHAIRMAN. What day is this?

General WHEELER. This was the day of the 4th, Mr. Chairman. In my absence the Secretary had met with the JC's on a couple of occa-
sessions, and when I returned I found that my colleagues were engaged in discussing the types of targets that might be struck and so on. As I recall, they had recommended a series of targets which in turn were recommended to the Secretary, and the targets, after having been modified, were the ones that were finally approved for strike. So I do not see how the pilots could possibly have been briefed prior to the time.

Secretary McNamara. Refresh my memory on this. Am I not correct in saying that the time of the strike was influenced in part by Admiral Sharp's statement that he would need time to brief the pilots and load the aircraft?

General Wheeler. That is correct—and load the aircraft.

Secretary McNamara. I think we can find that in some message. I believe I remember reading it or hearing it at the time.

General Wheeler. In fact, he said it would be tight, if I recall correctly.

The Chairman. How long does it normally take to brief—strike that. How many planes were engaged in making the 64 strikes? There were 64 missions according to the information we have.

General Wheeler. There were about 59 aircraft, all told, Mr. Chairman, that engaged in the operation, and there was a total of 59 in the first wave, and 21 in the second wave on a recycle.

The Chairman. How many targets were there?

General Wheeler. There was a total of six all told, I believe.

Senator Lausche. Mr. Chairman, may I ask a question?

The Chairman. Just as soon as he finishes.

General Wheeler. Six.

The Chairman. Six targets.

General Wheeler. Yes.

The Chairman. How long does it normally take to brief a crew of 99 on a mission?

General Wheeler. I would say that in a case like this you have to get out target materials and so on, and that you would want at least an hour in order to do it, Mr. Chairman.

The Chairman. Well, how would you account, Mr. Secretary—well, pardon me—yes, Senator?

PRESIDENTIAL APPROVAL FOR ATTACKS

Senator Lausche. Did the President approve these attacks upon the Vietnamese patrol bases?

Secretary McNamara. Oh, yes, Senator Lausche. The President was kept informed fully during the day. I was just checking my diary last night as to the number of calls and meetings I had with him and it exceeded 11 during the day and it was late in the afternoon that he approved the attacks.

The Chairman. Did the President also order a series of additional measures such as sending aircraft into South Vietnam and fighter-bomber aircraft into Thailand?

Secretary McNamara. Yes.

The Chairman. And following that the President came to the Congress, the Senate of the United States, Congress of the United States, asking for the passage of the resolution.

Secretary McNamara. Yes; that is correct.
The CHAIRMAN. When does your diary show that the President authorized the attack, what time?

Secretary McNAMARA. I think it was about 6 o'clock in the afternoon that his final authorization was made. It had been tentatively authorized subject to the final information on the details of the incident earlier in the afternoon. We met some time shortly after 2, and then I talked to him five times after that and it was in the last conversation that it was authorized at about 6 o'clock.

The CHAIRMAN. Six o'clock on the evening of the—

Secretary McNAMARA. August 4.

The CHAIRMAN. Of the 4th, which would be 6 o'clock on the morning of the 5th in Vietnam.

Secretary McNAMARA. That is correct.

The CHAIRMAN. Mr. Secretary, how do you account for the fact that the North Vietnamese boasted of their attack on the Maddox on August 2 and yet vehemently denied that there had been an incident on August 4?

Secretary McNAMARA. I cannot answer the question, Mr. Chairman. Their damage may have been greater on the 4th than it was on the 2d, I just do not know.

The CHAIRMAN. Do you have any idea, General Wheeler?

General WHEELER. I have no idea, Mr. Chairman.

EVIDENCE FROM CAPTURED NORTH VIETNAMESE OFFICER

The CHAIRMAN. A North Vietnamese commander who was a squadron commander of the North Vietnamese patrol craft told U.S. investigators after his capture that the North Vietnamese had attacked the Maddox on August 2 but that there had been no attack on August 4. This denial was consistent with interrogation reports of several other members of a North Vietnamese naval vessel who were captured by the United States in 1966. How can we account for this denial when this particular officer gave the United States valuable information that led to the destruction of a number of North Vietnamese installations? In other words, the report we have shows that he did give you quite a lot of information which was very useful in your attacks but he denied there was any attack at all on the 4th?

Secretary McNAMARA. First, Mr. Chairman, I believe I am correct in saying he was not a squadron commander. This is of some importance because the name of the squadron commander was given to us a year after the interrogation you speak of by another North Vietnamese naval officer whom we captured. We had evidence at the time of the attack that a man by that name participated in the attack and we have the boat number that he was operating from, and it was stated that that boat participated in the attack, so I think that the statement you made is erroneous.

Second, I do not believe he stated there was no attack on the 4th. I think he said he had no knowledge of such an attack.

Third, I do not believe that it is correct to say that his statement was consistent with information of others from other captives whom

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1 Identified in a Navy publication as a “division commander” of a “torpedo boat division.”
we interrogated. I am not aware that that is true. It is possible it is true, but I would have thought it would have come to my attention if it was. I am not aware of it.

And finally, most importantly, as I mentioned to you earlier today, in July of 1967 we captured an individual of some rank in the North Vietnamese Navy who gave us the name of the squadron commander in charge of the PT boats participating in the August 2 attack, and it is that name that we had reported to us as having participated in the August 4 attack at the time of the attack, and it is his boat by number that we had reported to us as having participated in the August 4 attack at the time of the attack.

The CHAIRMAN. Will you give us the second report—

Secretary McNAMARA. Yes.

The CHAIRMAN (continuing). That you got in 1967?

Secretary McNAMARA. I would be very happy to.

The CHAIRMAN. For the record, I want to complete it, and read what the Navy's own report has to say with regard to this interrogation.

Extensive interrogation of all potentially—

this is from the report of the Navy—

Extensive interrogation of all potentially knowledgeable sources reveals they have no info concerning a NVN attack on U.S. ships on 4 August 1964. They state definitely and emphatically that no PT's could have been involved. They do have knowledge of a U.S. air attack on 5 August in which at least one and possibly three *Swatow* FGM's were sunk by AOFT in vicinity of the Gianh River (17-48N/106-30E). Slight damage was also inflicted by AOFT on 2 PT's this date as stated Ref A.

2. The possibility that Swatows could have committed the 4 August attack has also been carefully explored. Here again, however, all sources disclaim any knowledge of such an attack. Based on the experience of interrogations thus far it is very possible that PT boat crews in general might not have heard of this attack since they apparently have little contact with other ship types. On the other hand, source [deleted] obviously has traveled in higher circles and has proved himself exceptionally knowledgeable on almost every naval subject and event of interest. Yet he specifically and strongly denies that any attack took place. When pressed further on this issue he states that if such an attack did take place, it could only have been committed by Swatows.

Senator LAUSCHIE, Will you comment on that?

Secretary McNAMARA. Yes, I think, Mr. Chairman, we should stop here and get into this communications intelligence because it bears on this issue and I am afraid that the record will be distorted unless we introduce it at this point.

The CHAIRMAN. All right.

Secretary McNAMARA. With your permission I would like to do so and I would like to ask those who have not received clearance for special intelligence other than the Members of Congress to leave the room if they would.

The CHAIRMAN. All right.

(Discussion off the record.)

The CHAIRMAN. Mr. Secretary, I would like to ask, I know that your time is very limited—do I understand that you do not wish to come back again at any time before the committee before you leave?

Secretary McNAMARA. Mr. Chairman, if the committee feels that it is essential that I return, I will in some way or other try to return,

*Note: From earlier interrogation source stated that Swatows are neither designed nor intended for missions against large ships.
but I look at the 10 or 11 days that lie ahead of me. I don't see how it is possible.

The CHAIRMAN. We may not. I would like to ask a few questions.

POSSIBLE APPEARANCE OF OTHER WITNESS

Is there any objection on the part of the Department to our having Commander Herrick who was commander of the task force appear before the committee?

Secretary McNAMARA. None, no objection.

The CHAIRMAN. Mr. Ponturo, is that his name?

Secretary McNAMARA. In his case—

The CHAIRMAN. Ponturo. Is he still in the Department?

Secretary McNAMARA. He is not an employee of the Department so far as I know. He is an employee of an outside agency, the Institute for Defense Analysis. I don't know whether it would be appropriate Mr. Chairman, for him to appear.

The CHAIRMAN. Then you have nothing to do about it.

Secretary McNAMARA. We have something to do about it because the Institute for Defense Analysis is under contract to the Defense Department; but I just can't answer your question.

The CHAIRMAN. Put it this way: the Defense Department will not raise any objection to his appearing; is that correct?

Secretary McNAMARA. I can't say that, Mr. Chairman, I just don't know the man. I don't know his qualifications. I don't know just how much he knows about this. I am very reluctant to see witnesses appear for the Defense Department who are not qualified to testify fully and completely on the questions raised to them. I am quite happy to have Commander Herrick appear and testify on anything that relates to his activities there because I know he was present and is a qualified witness.

I don't know Ponturo, I never heard of him. I haven't the faintest idea what his qualifications are. I know nothing about the man and, hence, I am reluctant to say we concur in his appearance.

The CHAIRMAN. It is strange he would be given access to all these papers and be given the duty to prepare a report without having him cleared.

Secretary McNAMARA. I can only tell you I lack knowledge.

The CHAIRMAN. General Wheeler, you know nothing about it?

General WHEELER. I know nothing of him, sir. At one time in the operations of the J-3, this is the operation division of the Joint Staff, certain employees of IDA were there assisting and looking at the Joint Staff operations with an idea of helping us to improve them, and this gentleman was one of several at some time or another who assisted.

The CHAIRMAN. They would be of the highest clearance. They wouldn't allow him to assist without being cleared.

General WHEELER. It would depend on what type of operation they are working on, Mr. Chairman. If they were operating in the communications intelligence field he would have to have the necessary clearances. I mean we grade them according to whatever they have to do.
The CHAIRMAN. I understand the grading. You have seen this report, Mr. Stempler wrote the committee, with regard to this document, "It is an internal paper of the Joint Chiefs of Staff, is currently under review by the Chairman," that was January 23. I just want to try to get where we stand with regard to this matter. You have had all the time—or do you want more time or will you make it available? I want to know what to instruct the staff.

Secretary McNAMARA. I think I covered that this morning.

The CHAIRMAN. You will make it available?

Secretary McNAMARA. I simply stand on what I said.

The CHAIRMAN. I have forgotten what you said. Will you refresh my memory?

Secretary McNAMARA. What I said was that I was not familiar with the report, I am not familiar with the man, and I don't know the degree to which he had access to all of the information that is required to obtain a proper understanding of the incident. I know he didn't have access to some of it; he didn't talk to General Wheeler about his participation, and he didn't talk to me about my participation. There is information that he could not have obtained regarding the incident unless he talked to General Wheeler or me, or to the President or one or two others who had been in on the discussions, and under these circumstances I am not willing to release a report until I know more about it.

General WHEELER. Furthermore, I don't know, but I am informed that Mr. Ponturo's report has no communications intelligence in it. I don't know whether he is cleared or not, and that is one of the weaknesses of the report.

Secretary McNAMARA. At least it doesn't have a communications—

The CHAIRMAN. Could you clear this up for us? Could you inform the committee, give us a memorandum on what the situation is? Could that be done?

Secretary McNAMARA. We will be happy to.

The CHAIRMAN. In the near future?

Secretary McNAMARA. Yes.

Senator GORE. And the location now of the 40 reports, the 40 copies?

Secretary McNAMARA. Surely; I don't know where they are.

The CHAIRMAN. I don't care where they all are, but I would just like to get one of them.

Senator GORE. Let's know where they are. You will find some in the Rand Corp.

The CHAIRMAN. I have been told there was a very responsible scientist who was well informed about and working in Defense Intelligence by the name of Rubini. Do you know such a man?

Secretary McNAMARA. I do indeed, although I don't think he was working in Defense Intelligence.

The CHAIRMAN. Well, do you trust him? Is he a trustworthy man?

Secretary McNAMARA. He is a very able individual in his field, which is electrical engineering and associated subjects.

The CHAIRMAN. Assuming he did have knowledge of this matter, do you have any objection to our calling him?

Secretary McNAMARA. No, I have objection to his being called. He is a private individual now not working for the Defense Department.
Let me simply say this, I am certain he didn’t have full and complete knowledge of this incident.

The CHAIRMAN. Well, he may have had some knowledge.

Secretary McNAMARA. He was at that time, he would have been Deputy Director of Research and Engineering. He was not a part of the intelligence organization.

The CHAIRMAN. Yes, but as a man, you regard him as a trustworthy American?

Secretary McNAMARA. I do indeed, but I don’t regard all trustworthy Americans as competent witnesses on the Gulf of Tonkin inci-

COMMITTEE CONTACT WITH OTHER INTERESTED PERSONS

The CHAIRMAN. As a result of the committee’s review and the general interest in this subject, there have been certain individuals, civilian and military, who have sought out the committee or the staff. There also have been newspaper reports based on press interviews based on officers and men on the Turner Joy. I refer to an AP report in July 1967, for example, which was well before this committee had any idea of review. Have any military or civilian employees been disciplined in any way for talking to the press, communicating with this committee or otherwise breaching security?

Secretary McNAMARA. None to my knowledge. As a matter of fact, we have leaned over backwards to avoid talking to certain of the individuals to whom the committee has talked, to avoid any indication that we might in any way have disciplined them or pressured them in relation to what they would say to us or to the committee.

The CHAIRMAN. Are you aware of a commander who voluntarily called up and came to a member of the staff of this committee, talked, at his request, with the chairman and a member of the staff, and the next day was picked up and sent to a psychiatric ward?

Secretary McNAMARA. No, sir; I am not aware of that incident.

The CHAIRMAN. Would you believe it if I told you it is a truth?

Secretary McNAMARA. Well, I would not believe that we would penalize a man in any way for talking to this committee, assuming he told the truth. I think it would be a monstrous act if we sent a man to a psychiatric ward even if he told a falsehood to the committee, and I can’t believe it was done. I will be very happy to investigate it.

Senator Morse. How do you mean, Mr. Chairman, that he was requested to take a psychological examination?

The CHAIRMAN. That is right. And he was examined by this place. I can’t—it slips my mind at the moment—but this was all initiated by him, we had nothing to do with it. I mean we didn’t initiate it. I never heard of him. He called a member of the staff and requested to relieve, as he said, himself of a burden. He was the next day, taken for a psychiatric examination but after the examination he was found to be fit, and returned to duty. It seemed to me to be a very ominous thing if a man like this would be picked up like he was.

Lastly—

Secretary McNAMARA. Mr. Chairman, may I simply say on that if there is any feeling on the part of the committee that the examination of this man by psychiatric personnel was in retaliation for his report to the staff, I will personally have the Inspector General analyze the case and I will promise to discipline anyone who took action of that kind.
The CHAIRMAN. I am not really seeking to discipline anyone, but it seemed to me it was an unusual circumstance that the next day after he came over, and this man had been in the so-called flag plot of the Pentagon during the incidents referred to here, and he felt it was on his conscience, and he had been in the Navy a long time, and I am sure your people, some of them know about it, and I would interpret it since he was picked up the next day, as being a gesture intended to intimidate him or anybody else who did such a thing.

Secretary McNAMARA. Mr. Chairman, I will have the Inspector General investigate it and send a report to the committee. I can believe that any individual, civilian or military in the Defense Department would behave that way with respect to any man whether he gave true or false testimony to the committee.

Furthermore, if the man you are speaking of is the man I am thinking about he was not assigned to flag plot at the time of the August 2 and August 4 incidents.

The CHAIRMAN. Well, he said he was. That is subject to proof, I guess.

JUSTIFICATION OF COMMITTED INQUIRY

Lastly, it was, I think you said this morning—I don't have the quotation—that anyone who entertained a doubt about these events was engaged in a monstrous affair. Don't you agree that in view of the conflicting nature of the testimony, especially from the commander of the task force, that there was a reasonable justification for at least this committee inquiring into these incidents?

Secretary McNAMARA. First, Mr. Chairman, I don't think I said this morning that it was monstrous for anyone to retain a doubt about this. I think I said there is no doubt about the attack of August 2. That was one statement I made.

The CHAIRMAN. We don't allege that at all.

Secretary McNAMARA. I understand, I am saying what I said, and secondly, I stated in the latter part of my statement that the insinuation or the suggestion that, the Government of the United States induced the incident on August 4 with the intent of providing an excuse to take retaliatory action, I could only characterize as monstrous. That is quite a different thing from saying it is monstrous that anybody should doubt what happened.

The CHAIRMAN. Well, I don't think anyone, I don't believe anyone, certainly myself, entertained the idea this was a plot or a conspiracy. The point really is, and I think there is evidence sufficiently to justify an inquiry as to whether or not the decisionmaking process, with all these conflicting reports coming in, is sufficiently accurate and reliable to justify taking such a decision to declare war on another country, which was the immediate outgrowth of this particular series of events.

Secretary McNAMARA. I didn't comment on that.

COMMITTEE ACTED WITH INCOMPLETE EVIDENCE

The CHAIRMAN. I think this committee, and certainly as chairman of the committee I think it was very unfair to ask us to vote upon a resolution when the state of the evidence was as uncertain as I think it now is, even if your intercepts are correct. Of course, none of those
intercepts were mentioned to us, I don't believe, in the testimony on August 6. Your statement and General Wheeler's was without any doubt, any equivocation that there was an all-out attack.

I submit that even if you give the most favorable interpretations to these reports that it was far less than positive and unequivocal as your statement before the committee indicates.

This has been very serious to me and all members of this committee and the Senate.

We have taken what is called the functional equivalent of a declaration of war upon evidence of this kind, and action as precipitate as this was. Even the commander, that is one of the crucial telegrams from the commander of the task force, recommended that nothing be done until the evidence was further evaluated. I read it this morning, I won't read it again.

But that alone almost, if I had known of that one telegram, if that had been put before me on the 6th of August, I certainly don't believe I would have rushed into action.

We met, if you will recall for 1 hour and 40 minutes, in a joint meeting of the Armed Services and this committee and we accepted your statement completely without doubt. I went on the floor to urge passage of the resolution. You quoted me as saying these things on the floor. Of course all my statements were based upon your testimony. I had no independent evidence, and now I think I did a great disservice to the Senate. I feel very guilty for not having enough sense at that time to have raised these questions and asked for evidence. I regret it.

I have publicly apologized to my constituents and the country for the unwise action I took, without at least inquiring into the basis. It never occurred to me that there was the slightest doubt, certainly on the part of Commander Herrick who was in charge of the task force that this attack took place. He obviously had doubts, his own cablegram so states. That is the reason for it. I feel a very deep responsibility, and I regret it more than anything I have ever done in my life, that I was the vehicle which took that resolution to the floor and defended it in complete reliance upon information which, to say the very least, is somewhat dubious at this time.

Well, I just wanted to make that for the record.

Now, I think other members should have an opportunity.

Secretary McNAMARA. May I simply at this point make one very brief comment?

I don't believe Commander Herrick in his cable stated he had doubt the attack took place. He questioned certain of the details of the attack and, secondly, his questions——

The CHAIRMAN. Mr. Secretary——

Secretary McNAMARA. Pardon me, Mr. Chairman, secondly, his doubts we resolved that afternoon before the retaliatory action was taken.

The CHAIRMAN. I think he went much further than that. He advised you not to do anything until it had been reevaluated. I don't want to burden the record but it is a very strong statement.

Secretary McNAMARA. Nothing was done until it was reevaluated.

The CHAIRMAN. He says "Suggest complete evaluation before any further action."
Now, that is a very strong recommendation from a man on the scene in charge of the operation.

Senator Gore, Read it.

CHAIRMAN WOULD HAVE ACTED DIFFERENTLY IN 1964 WITH MORE EVIDENCE

The CHAIRMAN. If I had had enough sense to require complete evaluation I never would have made the mistake I did. If I had had notice of that particular cable in 1964 I think I would have had enough sense at least to raise a warning sign, and normally this committee does have hearings and questions. I don't know why, what possessed me, the background was such that I went along, of course I wasn't the only one. Both committees, except for the Senator from Oregon, unanimously accepted your testimony then as the whole story, and I must say this raises very serious questions about how you make decisions to go to war.

I mean, this is not a small matter that we are in, in Vietnam, and I think for the future, the least I can do and the committee can do, is to alert future committees and future Senates that these matters are not to be dealt with in this casual manner.

I felt very badly about it, about the matter. I must say that I don't blame you personally for this. These communications were conflicting, and I don't think—I never meant to leave the impression that I thought you were deliberately trying to deceive us, but I must confess I think the evidence is very conflicting and warrants what Mr. Herrick suggested—time to evaluate what the evidence was—which we didn't do.

Well, I delivered myself.

Senator Mansfield, do you have a question?

Secretary McNamara. Two points, Mr. Chairman, if I may, only 10 seconds.

One, the commander evaluated it that afternoon, concluded an attack took place and came to a conclusion before the retaliatory action was executed.

Two, I know of no evidence since that time that would support the conclusion this attack did not take place. That is all I have to say.

The CHAIRMAN. Well, there is evidence, you, yourself, I mean, the evidence of one captured man, there are a number of things depending upon credibility of the people.

It isn't all that clear cut.

Senator Gore. Mr. Chairman, there is at least evidence that a doubt existed even after the order went out, because the order to loose the retaliation we are informed went on at 6:30 and at 7:06 Admiral Moorer of CincPac cabled the Maddow and Turner Joy to report immediate confirmation of the earlier attack on them.

The CHAIRMAN. He still had evident doubt after the order had been given there or he wouldn't make the inquiry.

Secretary McNamara. This was simply a response to the earlier in­quiry of Sharp who got the information by other channels before that time.

Senator Mansfield. Mr. Chairman, my remarks will be brief.
I felt at the time that Secretary McNamara when he was before us that he was being as candid and as honest as he could be in the light of all the facts which were at his disposal.

I still feel the same way, and I happy that this additional highly confidential information was made available, and because to me it seems to establish a fairly close correlation between the intelligence and the reports sent back from this particular task force at that time.

Of course there are questions in all of our minds, I am sure there are still questions in the Secretary's mind.

But three and a half years ago is a long time, and you were under pressure, we were under pressure. Maybe we did some things that we wouldn't do if we would be more careful and that is the reason for that resolution of yours.

The CHAIRMAN. Don't call it mine, I didn't originate it. It was the administration's resolution.

Senator MANSCIELD. No, no, I am speaking of the resolution which is pending on the calendar as to which we will take up later this year.

The CHAIRMAN. I see, I thought you were talking about this commitment resolution. I apologize. [Laughter.]

Senator MANSCIELD. I wonder myself what I would say if 3½ years later I was called upon to testify. I am quite sure that I wouldn't do a very good job because I have a hard job remembering what goes on the week before, let alone what happened so long ago.

That is all I have got to say.

The CHAIRMAN. Senator Aiken, do you have any questions?

Senator AIKEN. I hate to see Russia reaping so many benefits, that is all. We ought to do something about that.

The CHAIRMAN. That is from the war you mean?

Senator AIKEN. Yes.

The CHAIRMAN. Well, I do, too.

Senator AIKEN. That is the only thing that came to mind. I have nothing to say. But, as I have said frequently, the last 3 years have gone by, the next 3 years, the next 3 months should be very interesting.

The CHAIRMAN. Is that all?

Senator AIKEN. That is all.

The CHAIRMAN. Senator Morse?

Senator MORSE. Mr. Chairman, I would have very, very many questions if we were going to trial. We are not on trial. Time would not permit the asking of the questions if we were in trial, and I only want to say to the Secretary that I think he knows no matter how much I disagree I have an exceedingly high regard and respect for him.

I am sorry I shall so completely disagree.

NEW EVIDENCE DOES NOT ALTER SKEPTICISM

He has not said anything here today, a single thing today, that changes anything I said on the floor of the Senate in August 1964 and what I said in committee at the time in our very short hearing. I don't think we have been talking all day about what we ought to be talking about, the Tonkin Bay Resolution.
I think we ought to be talking about what preceded the incidents and what brought about the incident and our involvement in Tonkin Bay at the time. We have a right to have freedom of the sea. But a right with regard to it doesn't justify following the course of action or give the right to create it. As to comments that I made in August 1964, I didn't make them in a vacuum.

I was communicated with by sources at the Pentagon Building in whom I have high confidence, that raised a lot of doubts in my mind. I remember, I said, I don't have to have it in front of me but I paraphrase it, "You ought to get the logs because this Senator suggests you had better ask for the logs. You had better ask for some facts as to where those ships were and how they got there and what the knowledge of the Navy was in advance of the incident."

What I have heard here today verifies all the information I received before I ever said anything in August 1964.

You see, what I think we never come to grips with is what we were doing long before, the 2d and the 4th, long before the incidents of Tonkin Bay. The fact we had this kind of a presence there, that we were stimulating the electronic devices of the North Vietnamese, that we were carrying on intelligence operations was wrong. The Maddox was, on this occasion, a spyship and quite a different body of international law applies to spy activities than applies to other activities.

So I only want to say for the record that I don't think we should have been there and especially under those circumstances when the Navy and the administration knew that South Vietnamese naval vessels that we had furnished and the personnel whom we had trained were on their way in that period of time to bombard North Vietnam and its two islands. The Maddox and the Turner Joy were in the area, despite all our talk about the distances. The fact is that the North Vietnamese had no reason to believe that we were trying to keep separate the South Vietnamese boat operations and our patrol. They had no reason to know or believe that. We don't know what conclusions they reached. I think it would be a very reasonable conclusion if they thought there was a connection.

Connection Between American and South Vietnamese Operations

I happen to think there was a very clear connection.

The very fact that you were electronically invading, so to speak, North Vietnam, while at the same time in that series of time, the South Vietnamese boats were going to make their attack, put us, I think, in the position where the North Vietnamese, and the rest of the world, for that matter, would see some interrelation.

But I still go back beyond that.

What worries me is that we were at that time escalating, we were involving ourselves more and more in the difficulty in South Vietnam. We know from the record what the thinking was in the administration, having in their pocket a resolution ready to spring on us.

We have some evidence that the resolution, or a draft of a resolution was prepared before the Tonkin Bay incident ever occurred. It was to give to the President the authority that the Congress gave. I am willing to let history be the judge, eventually it will be recorded that it was a completely unconstitutional move.
You can’t possibly give the President that power under the Constitution. That always has been the position that I have taken from the beginning of many aspects of this matter. With this preparation for bombing North Vietnam, I want to say most respectively, I think that wisdom dictated that we should have had the Maddox and the Turner Joy far removed from any area, high seas or not, that would possibly justify anybody making this connection. To be on the high seas and commit an illegal act on the high seas constitutes a form of aggression, constructive or actual, that was really our position, in part, in October 1962 during our conflict with Russia over her clear act of constructive aggression against us vis-a-vis Cuba.

So one of my bones of contention is that I don’t think our hands are clear if we fall back on technical defenses of our rights on the high seas and making perfectly clear to North Vietnam we were going to enforce those rights.

The basic question is why were we following this course of action at that time in the Gulf of Tonkin when the South Vietnamese boats were going up there to make an attack? I think all the explanation of the Secretary, all the explanation of the administration just ducks that problem.

One of the reasons why we find ourselves so much isolated is because the world does not like this involvement we got ourselves into on a unilateral basis.

I only want say we have had this information given to us. I, as a lawyer, don’t question for a moment that it is subject to a considerable amount of attack and qualifications, just as I think Secretary McNamara’s use of captured North Vietnamese prisoners isn’t a very reliable source upon which to form a judgment. In fact, even in domestic law, as a lawyer I never thought too much about the stool pigeon testimony because too frequently it is not worth the lips that emit it.

ALL EVIDENCE SHOULD BE MADE AVAILABLE

But here we do have, and it bears on something you said, Senator Fulbright, we do have a communication. It is anonymous, it is true; but on the other hand, its content gives a pretty good idea of the reliability of the source. Although some of the ideas I don’t agree with, I think the Secretary is entitled to hear it. I don’t think we are fair with the Secretary if we have this kind of material in our records and don’t discuss it with him. Just as I said this morning, as far as I am concerned, I think he should have every memorandum we have, I don’t see why we should keep it from him.

As far as I am concerned, I would give him everything we have, and whatever help he can give to us in regard to it, I would welcome. But we have this communication, received December 26, 1967. The letter is to this committee through its chairman. It reads in part:

Getting the logs of the Maddox and the Turner Joy may be of some use to you in trying to get to the bottom of the Tonkin Gulf Incident, but it really won’t help much.

What you most need is the record of events of communications passing through the national military command and control center. Most of them have probably now been destroyed.

Whatever study was made on the basis of most of these records, fresh after the event, by the Weapons System Evaluation Group entitled “Command and Control of the Tonkin Gulf Incident, 4-5 August 1964,” this document is Top
Secret and it is very tightly held because it is based in part on the tape recordings of conversations over the phone of the President, the Secretary of Defense, Admiral Sharp and others during the period when the critical decisions were being made. Very probably an effort will be made to have all copies of the study destroyed when and if there is any intimation that you know of the existence of the study. The study will not disclose that the incident was a put-up job. It will disclose several embarrassing things, however.

One is that the first attack, that on the Maddox, was very probably made because the NVN confused the Maddox with [deleted] operations which were covering SVN hit-and-run attacks against NVN coastal areas. This was probably due simply to lack of coordination.

Another point will be that the attack on the Turner Joy the following day was indeed probably imaginary.

After the first report of the attack there was a report there probably had not been an attack at all. But the President was to go on the air to address the Nation about the retaliatory attacks that had already been planned, and after another flurry of confusion Admiral Sharp said there had been a real attack after all.

At this point the Secretary of Defense decided to advise the President that the attack on the Turner Joy was real and to order the retaliatory attacks and go ahead with the speech because it was getting very late for the address to the Nation and, moreover, the retaliatory attack planes had been kept in a state of take-off readiness for the maximum time.

It was clearly a case of making a definite decision when operational circumstances dictated haste but the facts suggested caution.

One may wonder how much the Secretary of Defense, who is a man of honor and conscience, has worried about this since. Because later events all indicate that the second attack was at best a trick of false radar images.

I am sure if I signed this I would lose my job, but if you proceed wisely, you should be able for the good of the country to learn the truth of all I have suggested here and much more.

The Tonkin Gulf incident, upon the basis of which the resolution was so quickly obtained, was not a put-up job. But it was not the inexcusable and flagrant attack upon U.S. ships that it seemed to be and that would have justified the resolution and retaliation had there been so. It was a confused bungle which was used by the President to justify a general course of action and policy that he had been advised by the military to follow. He, like the Secretary of Defense, was a prisoner. He got from them all the critical and decisive information and misinformation and he simply put his trust in the wrong people.

One of the things your committee should really look into is the constant use of security regulations to conceal the blunders and the connivings in the field of national security.

But I doubt that all the power of the United States Senate could ever penetrate far enough into the supersecret world to learn much about what goes on. Right now the JCS is refusing materials in their field wanted by people working on Vietnam for the Secretary of Defense, most obviously because they are fearful it would serve the Secretary of Defense's purposes, not theirs.

I want the Secretary to know that one must weigh that, with great caution and circumspection and some doubt. It is only one of several memorandums or letters that we have in these files. We have a lot of signed material, but on this committee you have to weigh this and doublecheck it to see if there is any other evidence that bears out any of these contentions. We have plenty that bears out some of his contentions.

But I close, Mr. Chairman, by saying that the thing that is wrong with the whole case we have listened to today is that it doesn't go back far enough, back to 1954 when you have the Gavin report against involvement in Asia, where you have the Ridgeway support of the report.

Other military officers in the next few years will ask a question at what we were doing, and yet the administration step by step gets us more and more involved.
NO LEGAL BASIS FOR AMERICAN INVOLVEMENT CLAIMED

So here we are now, involved over there by what the former Attorney General of the United States tries to justify as a kind of a functional declaration of war, which is of course pure nonsense legally.

This is what bothers me. I think we ought to go back to the beginning. We ought to be devoting ourselves to trying to find out how we can honorably get out of the mess that we are in. We need some kind of a multilateral takeover to settle this war.

I wish he were still in the room because I quite agree with what the Senator from Montana himself said to the President, and his top foreign policy advisers in one conference: We have never submitted a resolution to the international bodies that have jurisdiction over this matter, if they would exercise their jurisdiction.

I don’t see how we can ever expect them to exercise their jurisdiction unless we are willing to commit ourselves to abide by their jurisdiction provided they, in turn, will carry out their corollary responsibility to enforce the peace.

I am so concerned. I think history has got us recorded as engaging in what I think is the unilateral making of war. That is the great foreign policy mistake.

I am sorry. I took as much time as I did, but I thought the record ought to show my respect for the Secretary. He doesn’t share any of my views on this or my major premises, I am sure, that is where our great division is.

I am never going to support the kind of a military operation that we are engaged in over there, or the policy of this administration until it gets back to the Constitution and declares war. You know why we don’t. You wouldn’t have the world with you.

The CHAIRMAN. Senator Case?

Secretary McNAMARA. Mr. Chairman?

Senator Morse, I think the Secretary should be allowed to say anything.

DENUNCIATION WITHOUT FOUNDATION

Secretary McNAMARA. Mr. Chairman, Senator Morse is certainly one of the most able advocates that it has ever been my fortune or misfortune to sit opposite. He has presented a case very powerfully.

I think it is built on an entirely false foundation, and I think the earlier testimony today indicates that.

There are certain legal points he has made which I am not qualified to comment on, but as a layman; I can’t believe that there was a constructive act of aggression committed by the Maddow or the Joy and if there wasn’t, they were acting entirely legally. As I understood what he said, he accepted the statement that an attack had taken place on the 2d and he was at least willing to recognize the possibility of an attack on the 4th.

He referred to an anonymous letter which made very grave charges, which I would assume the committee would want to expose.

I can’t refute people who are faceless accusers. I know some of the statements in the letter are absolutely false. I don’t make tapes of my conversations with the President. I don’t know of anybody else in the Department who does.
I can't believe any study made by the Department refers to tapes of conversation with the President.

All of the investigations that I know of that have been made by the commanders involved of the attack of the 4th, after the attack, concluded that the attack did take place. So I think it extremely unfounded for the anonymous writer to conclude that the attack was imaginary.

There are a number of other charges there that I would be happy to investigate if the committee wishes me to do so.

I think it would be very helpful if the individual could muster up enough courage to make his accusations, state his evidence openly, so we can discuss them and follow them down.

I don't have anything to hide.

DEFENSE DEPARTMENT POLICY RE INFORMATION

For 7 years I have tried not to hide the actions of the Department. We have disclosed more to our Nation and to our enemies, for that matter, about the national security of this country and the factors that we take account of in protecting it than has ever been disclosed before. I believe in disclosure, and I believe that the truth will support itself, and I am perfectly prepared to have the anonymous accuser or anybody else come in and examine the raw material available in the Department that bears on this.

But I think, as does Senator Morse, that you do yoursel£ a disservice and you do me a disservice by withholding information from me and expecting me to comment on information which has not been available to me.

The CHAIRMAN. This letter, I may say, was in no way included in the report and nothing in the statements based on it. It was in the addendum, as the Senator knows, and was volunteered as an anonymous message.

We had others that were not anonymous, but that is not a part of the report, and we did not question you about that today. That is the reason I didn't refer to it.

Senator Morse. I thought I made clear in my statement I am not basing my case on this anonymous letter, but only giving you an idea of the kind of information which has been made available to the committee.

My case has nothing to do with what happened on the Tonkin Bay, on the 2d and the 4th.

It is what preceded it.

When I talk about an act of constructive aggression, my case is that I think there was clear knowledge of what the South Vietnamese boats were up to. I think the fact that the Maddox and the Joy were kept in the Tonkin Bay, in close proximity to North Vietnam, justified the enemy in assuming that we were giving aid and abetting.

I think they did aid and abet by their very presence there. I think they created a problem with North Vietnam.

I think while the preparation for that bombardment was going on that the electronic stimulation of North Vietnam at that time couldn't be justified, and would justify North Vietnam striking back, and I think that is why, as I said in my speech in August 1964, we cannot
escape the conclusion that we are to a degree a provocateur in this whole matter.

SECRETARY McNAMARA INFORMED OF SOURCES OF STAFF STUDY

The CHAIRMAN. I want to make it clear, too, that I did give the Secretary a complete list of all the documents which were the basis of the staff study. They are all available to him in the Department.

There is nothing else in the staff report except the staff views about the documents, which is not a matter in issue at all. It is the significance of the documents which we have read to you, and we gave you a complete list of everything we used. You had them available the same as we did. In fact, you have a lot more.

If there is any complaint, I will say that despite my understanding with Mr. Nitez, at least, the Department did not supply the committee by any means with all relevant documents which I had understood they had.

Senator Case.

Senator CASE. Mr. Chairman, thank you. If I may, I would yield to the Senator from Kentucky because I have to go, and if I do not get back here before the Secretary leaves, that is all right, too. But I do have to be away for the next few minutes.

It will yield to him and say, so far as the record goes, my concern is not about this incident, but about the use of this resolution subsequently in ways that were never intended by Congress. That is my basic concern.

The CHAIRMAN. Senator Cooper.

Senator Cooper. I will be brief.

I would like to say, first, that I appreciate the willingness of the Secretary to give the committee his testimony. His testimony has been helpful and forthright. I would also like to say that I think the Secretary has been a faithful, able, and conscientious servant of our country.

Secretary McNAMARA. Thank you very much, Senator.

The CHAIRMAN. I will join him in that.

Senator Morse. If you will permit me, I would say one of the most dedicated public servants I have experienced in my 23 years in the Senate.

Secretary McNAMARA. Thank you very much, Senator Morse.

Senator Cooper. As the Chairman has stated, his chief purpose and that of the committee in conducting this inquiry is to evaluate the effectiveness of decision-making decisions, which could bring about the involvement of American military forces, and the Nation's engagement in war. I think it is a proper inquiry.

It has also raised other questions, extreme charges and you have referred to one of them. In asking the question I am now propounding to you, I do not do so because I accept it. But it has been stated in some quarters that the administration did not have any information which would justify either retaliation or the submission of the resolution. It has been speculated that the incident was contrived to bring the resolution before the Congress.

As I understand it, you say, there is no truth at all in such a statement or speculation. Is that correct? That is my question.

Secretary McNAMARA. My answer is as you have indicated, Senator Cooper. There was nothing to it.
EXECUTIVE ATTITUDE REGARDING PROVOCATION

Senator Cooper. It has also been suggested that the incident was provoked in order to have a reason to come to the Congress. Was there ever any discussion or consideration of provoking an incident which would enable the administration to come to the Congress with the Tonkin Bay resolution?

Secretary McNamara. No, sir. The reverse was the case. Every reasonable effort was made to reduce what otherwise would have been illegal operations or reduce what were legal operations in order to avoid provocation. It was no intention to provoke an incident. It is inconceivable to me that a plan to provoke an incident could have been developed within the kind of government we have without this having been known to enough people for one of them to report authoritatively to the Congress that such the case. There was, I can just state unequivocally, there was, no intent to provoke. Quite the contrary.

Senator Cooper. Now, turning toward the evaluation that was made on August 4, is it correct that you did consult on that day with the Joint Chiefs of Staff?

Secretary McNamara. Yes, sir. I did on numerous occasions during the day.

Senator Cooper. You have said that you consulted with other advisers. Would that include the Secretary of State?

Secretary McNamara. Yes. As a matter of fact, the matter was so urgent and so important that I asked the Secretary of State to join me at the Pentagon before lunch, on August 4, which he did. We met there for a considerable time with representatives of the Chiefs. I say representatives because the Chairman was not then present, being out of the city, and subsequently the Secretary of State and I met with the President at the White House, and on several other occasions during the day the Secretary of State and I directly or indirectly discussed our views with the President—indirectly only in the sense that we may have been on two telephones at the same time with the President.

Senator Cooper. Did you detail your reasons for finding that an engagement had taken place?

Secretary McNamara. Yes, sir.

Senator Cooper. Acting upon the basis of information received from the destroyers themselves and also from intercepts, was there included a message from the commander of the Turner Joy before the retaliatory strike, reporting that there had been an engagement?

Secretary McNamara. Yes, sir. The commander of the Task Force 72.1, who was not the commander of the Turner Joy, but was the superior officer to the commander of the Turner Joy, and was on the scene on the Maddox.

Senator Cooper. There is a statement in the record, furnished us by the staff, which says that: 3 hours before the retaliatory strike, the commander of the Turner Joy reported there had been an attack.

Secretary McNamara. That is correct. I simply wanted to differentiate between him and the commander of the task force.
CONFIRMATION OF ATTACK

Senator Cooper. At the time the decision was made to make the retaliatory strike, was any question raised or was there any in your mind that an engagement had not take place?

Secretary McNamara. No, sir.

Earlier in the afternoon, because of some of the uncertainty as to the details of the engagement, I had said that we should not carry out any retaliatory strike until we satisfied ourselves that an engagement had taken place. We did so satisfy ourselves during the remaining hours of the afternoon, and that is not just my view. It is the view of every one of the key senior and civilian and military officials in the Department.

Senator Cooper. Accepting the fact of the engagement, and I do, there remains a question of judgment whether the scope of the engagement was such that a resolution should have been presented, and also whether in hindsight the Congress should have voted one.

You have said categorically that our ships were never in territorial waters. Is that correct?

Secretary McNamara. That is correct, sir.

Senator Cooper. That conclusion is based upon the statement that the United States did not consider territorial waters of North Vietnam to extend a distance beyond 12 miles?

Secretary McNamara. That is correct.

Senator Cooper. This is bound to be questioned, you know. What authority do you find for making that statement?

Secretary McNamara. The authority I cited in my statement based upon the lawyers of the Department who are familiar with the law of the sea, which is that unless a nation claims beyond 3 miles its territorial waters are not believed to be extending beyond that limit, and North Vietnam had not claimed beyond 3 miles before August 4, 1964.

Senator Cooper. There has been brought in question a statement you have made when you came before the committee to testify for the Tonkin Bay resolution, that the Navy was not associated with the South Vietnam 34A operations. You said further, "I must emphasize the Maddox did not know of these actions."

NAVAL KNOWLEDGE OF SOUTH VIETNAMESE OPERATIONS

Were you intending to say that the Navy had no knowledge of them or were you emphasizing that the Maddox had no knowledge of them?

Secretary McNamara. I was emphasizing the Maddox did not, Senator Cooper; because I knew at the time—as a matter of fact I informed the committee at the time—that I knew and the senior commanders in the Navy knew of the South Vietnamese operations, at least in terms of the general character of them.

At the time of the specific incidents of August 4, I did not know of the attack on August 3 by the South Vietnamese, but we knew of the operations, and some senior commanders above the level of the commanders of the task force did know the specific dates of the operations.

Senator Cooper. Questions have been raised about the patrolling of North Vietnam, Tonkin Bay, and an analogous situation in North Korea.
Is there communication in the Department between the naval authorities, between you and the President and the Secretary of State about patrolling these coasts when it involves the possibility of actions such as occurred in the Tonkin Bay and off North Korea?

Secretary McNAMARA. There is a special group set up, on which I am represented by the Deputy Secretary of Defense, and which includes comparable senior officials from the State Department, the CIA, and certain other agencies of Government before which must be presented every one of these missions for the approval of the members of that group. If there is any difference of opinion among those members, the matter is to be brought to the attention of the Secretary of State and the Secretary of Defense. So the answer to your question is, "Yes."

I do not mean to say that the President is personally involved in this. But I am personally involved in it through my Deputy Secretary, and the Secretary of State is personally involved in it through a very high level representative of the State Department.

Senator Cooper. I would assume that such measures must be taken at times when necessary to protect the security of our country.

RISKS OF NAVAL INTELLIGENCE OPERATIONS

I do think, however, that there is a very serious problem involved when, as has been evidenced by the Pueblo, and when we are rather thinly spread, it seems to me risks are taken which result in incidents which humiliate our country and also place the United States in a position where there is danger of deeper involvement and not of our choice.

I assume that you look at these problems. But I give my own view that there should be the most thorough and immediate consideration of this problem undertaken—so that we will not become further involved.

I think that is all I have to say at present.

Secretary McNAMARA. Thank you very much, Senator.

The CHAIRMAN. Senator Gore.

Senator Gore. Well, Mr. Secretary, it is painful to subject you to this interrogation after the sacrifices you have made for public service, and I regret that I do feel the necessity of doing so.

CLAIM THAT ADMINISTRATION HAS BEEN MISLEADING

I do not in any sense question your patriotism or your sincerity. On the other hand, I feel that I have been misled, and that the American people have been misled. Indeed, the statement that you released to day does not fully comport with the testimony that you gave to this committee earlier today.

I cite one instance, the statement—well, when I say "testimony" I mean other than the prepared statement. I read from your prepared statement:

In addition to the above—

This is on page 17—

Intelligence reports received from a highly classified and unimpeachable source reported that North Vietnam was making preparations to attack our destroyers
with two Swatow boats and with one PT boat if the PT could be made ready in time.

The second sentence—I raise no question about the first sentence I just read, except the characterization of the source as "highly classified and unimpeachable."

The same source reported, while the engagement was in progress on August 4, that the attack was under way.

I submit, Mr. Secretary, you have cited nothing from the intercepted message to support that.

Secretary McNamara. Let me put in at this point in the record, if I may, the four messages, starting with the first at [deleted] indicating there were two objectives, enemy attack vessels, located at a point at which the Maddox and the Turner Joy were located or located within 3,000 yards of them; and the second message, which stated that—

Senator Gore. Directing them to make ready for military operations.

Secretary McNamara. Make ready for military operations, again referring [deleted] and the third message indicating that the Swatow boats reported an enemy aircraft falling and enemy vessel wounded, and this second message, which stated that—

The fourth message later reporting that they had shot down two planes and sacrificed two ships, and adding further details of the engagement.

I submit that any reasonable explanation of these messages leads one to the conclusion that the attack was underway, as I stated in my statement.

Senator Gore. Well, that interpretation is possible. Another interpretation is that this was an exaggerated report by the North Vietnamese commander, just as they exaggerated the losses of our planes.

But your statement released to the public is that the same source reported while the engagement was in progress on August 4 that the attack was underway. That is a flat-footed statement that nothing you have submitted today supports.

Secretary McNamara. I take issue with that, Senator Gore, and I think it is not proper to say that the four messages were just a report from a commander. These four messages were flowing back and forth among various stations.

Now, I am going further than I should in discussing this classified information.

Senator Gore. Well, your publicly released statement this is compounded by your flatfooted statement on page 5:

During this same time, intelligence sources reported that North Vietnamese vessels stated they had our ships under attack.

Well, the same flatfooted statement is repeated. Nothing you have submitted supports this unqualified statement.

Secretary McNamara. Well, I differ on that, Senator Gore, and I do not think we should discuss this further unless we want to back into messages which I do not want to do in the room with uncleared people present.

Senator Gore. Then I would like to call to your attention, and I do not know what the committee wishes to do, but I think we have no choice but to make an incisive examination to reveal the actual facts.
Now, without identifying the messages to which I will refer on page 17 as to time, you quote the task group commander this way:

Vice Admiral Roy L. Johnson, USN, Commander of the U.S. Seventh Fleet at the time, stated in his review of the combined chronology and track charts submitted by the Task Group Commander: "Commander, 7th Fleet, is convinced beyond any doubt that Maddox and Turner Joy were subjected to an unprovoked surface torpedo attack on the night of 4 August 1964."

POSTMISSION EVALUATION NOT REVEALED

Now, what I wish to point out is not any inaccuracy there but the failure to reveal to the American people that this statement was made on August 14.

Secretary McNAMARA. Quite right.

The CHAIRMAN. August 14?

Senator GORE. August 14.

Secretary McNAMARA. That whole paragraph relates to postmission evaluations and, as I pointed out on page 19, some of the details cited above, particularly the statements of eye witnesses, although gathered immediately after the attack, had not reached Washington at the time the reprisal air strikes were ordered executed.

Sufficient information was in the hands of the President, however, to establish beyond any doubt then or now that an attack had taken place, and I cite the information available, and I do not include Admiral Johnson's report or Admiral Moorer's report or General Bunchinal's report, all of which came in as a result of their evaluations of the reprisal attack.

Senator Gore. I understand. I have read this report, and I realized when I read it that the evaluation made was after the fact, after the attack had been ordered.

This goes to the matter that troubled this committee, and I will say troubles me—I won't speak for the committee, I will say it troubles me.

I do not hold that this was a rigged affair, but from all the testimony you have submitted here today the administration stands revealed as having acted very hastily and out of proportion to the provocation and, it seems to me, to further compound the thing you quote, let me see, you refer here to Lt. Gen. David A. Bunchinal.

Secretary McNAMARA. Bunchinal.

Senator Gore. It says he analyzed the information from message traffic with the assistance of the Joint Staff. You do not say when. He gave his evaluation to the Secretary of Defense, "The actuality of the attack is confirmed."

Now, you had sent out messages hours before the order to attack North Vietnam asking that that attack on our ships be confirmed. You got your confirmation from Lieutenant General Bunchinal on August 7, 2 days after we had made an attack on North Vietnam. So this has gone out to the public today.

Now, I have said nothing publicly, so far as I know the chairman has said nothing publicly, but once again the facts have been twisted, Mr. Secretary.
Facts are presented in a straightforward manner.

Secretary McNamara. No, sir; I beg your pardon, Senator Gore, the facts have not been twisted. I am talking about no one within the Department of Defense has reviewed all of the information which I later point out came in after the incident. All of these eyewitness reports came in after that. That is known to you, it is known to the members of the committee, it is known to others.

Senator Gore. But it is not known to the American people.

Secretary McNamara. I so indicated. I stated on page 19 that it was.

Senator Gore. It is not so identified.

Secretary McNamara. Also on page 19 I specifically listed the information available to the President at the time he ordered the retaliatory attack, and it does not include reports from Admirals Johnson or Moorer or General Burchinal. That is exactly the purpose of it.

Senator Gore. You bolstered the decision by stating conclusions reported after the fact.

Secretary McNamara. May I first make clear that I did not indicate that Johnson's, Moorer's, or Burchinal's evaluation took place before the retaliatory decision. I did indicate that they reviewed all of the information that I previously discussed, much of which, particularly the testimony of eyewitnesses, was taken after the retaliatory attack, which I stated on page 19 occurred after the retaliatory attack.

Senator Gore. Well—

Secretary McNamara. I worked until 8:30 last night trying to be certain this statement was accurate. I had some of the best lawyers in the Department to work on it, and I submit to you it is not misleading.

Senator Gore. Well, it is a difference of opinion. I say that there is nothing you presented today that supports your public statement that you had a report from a "highly classified and unimpeachable" source reporting that the attack was underway.

Secretary McNamara. Well, we just differ then on the meaning of words, Senator Gore.

Senator Gore. Well, let us see if we differ on this matter. Today in your statement you say this, and this is page 2:

As I stated then and repeat now our vessels played absolutely no part in and were not associated with this activity. There was then and there is now no question but that the United States Government knew, and that I knew personally, the general nature of some countermeasures being taken by the South Vietnamese in response to North Vietnamese aggression. As I informed Congress the boats utilized by the South Vietnamese were financed by the United States. What I said then, and I repeat today, that the Maddox and the Turner Joy did not participate in the South Vietnamese activities, and they had no knowledge of the details of these operations, and that in no sense of the word could they be considered to have backstopped the effort.

Now, here is what you said to the committee on the 6th:

I would like to cover three points. First——

The Chairman. Of August 1964.

First, our Navy played absolutely no part in, was not associated with, was not aware of any South Vietnamese actions, if there were any. I want to make that very clear.

NEW STATEMENT ALTERS TESTIMONY OF AUGUST 1964

This was stricken from the record that was published. You state further, and I read again what was stricken from the record—

It was not informed of, was not aware, had no evidence of and, so far as I know today, has no knowledge any, any possible South Vietnamese actions in connection with the two islands that Senator Morse referred to.

Now, in your statement today you modified that. You said they had no knowledge of the details of these operations. That was not the question at all. So there is a considerable difference in what you said to the public today on this point and what you said to the committee on August 6, 1964, I read further, and all I am reading here, Mr. Secretary, was stricken from the record.

Secretary McNamara. Could I interrupt you one moment, Senator Gore?

Senator Gore. Yes, sir.

Secretary McNamara. Possibly through oversight you omitted a very important sentence in that August 6, 1964, statement because you read a sentence that started with the word "It" when the word "It" in relation to what you said previously might have reflected back on the Navy, to mean the Navy, whereas it meant the Maddox, and the sentence you omitted was, "The Maddox, operating in international waters, was carrying out the routine patrol we carry out of the type we carry out at all times, it was not informed of it," meaning the Maddox was not informed of it.

Senator Gore. That is correct. The Department or you struck that from the record.

Secretary McNamara. I said the Maddox—

Senator Gore. It differs from what you said to the public today.

Secretary McNamara. I beg your pardon?

Senator Gore. Let me read two sentences.

Secretary McNamara. Let me make clear what this says and what the committee understood at the time, that the Maddox was not informed of, was not aware of, had no evidence of, no knowledge of any possible South Vietnamese actions in connection with the two islands that Senator Morse referred to. That was my belief then, it is my belief today, and I personally had the commander of the patrol called within the last 72 hours to check and make sure that my understanding was still correct, and he says he did not have knowledge then of the possible South Vietnamese actions in connection with the two islands Senator Morse referred to.

Senator Gore. Well, your first statement there is that our Navy played absolutely no part in—

Secretary McNamara. I think the word, when I say our Navy played no part in, I think that is true; was not associated with, that is true. I said it was not aware of, I think that is ambiguous. I was using the word "Navy" referring to the task force. But I think that it is ambiguous.
Later in the paragraph I think it is clear I was referring in the whole paragraph to the task force. But I certainly agree with you that the word "Navy" in the first sentence is ambiguous.

**UNITED STATES KNEW OF 34A OPERATIONS**

Senator Gore. Well, of course, we know now from the cables that the Maddox was, in fact, informed of the 34 Ops.

Secretary McNamara. You do not know now that they had knowledge of——

Senator Gore. The details.

Secretary McNamara (continuing). Possible—not the details. You do not know now they had knowledge of what I said they did not have knowledge of, which is possible Vietnamese actions. You know very well that the Navy meant Maddox in this context in that first sentence because I myself reported that the Navy had furnished the boats to the South Vietnamese, and you, meaning the Congress, so reported in the congressional debate, so there could have been no misinterpretation then, and I do not think there is now of that paragraph.

Senator Gore. Well, I won't review the cables. They are already in the record.

There is another sentence which you spoke to the committee about on page 24 of the executive hearings, that was deleted. I will read the whole sentence lest—and then I will identify what is stricken:

I testified the other day that the American vessels were or the American vessel was, it was the MADDOX at that time, was operating on a southerly course in routine patrol in international waters in this area.

The following part of the sentence is stricken, "and that vessel had absolutely no knowledge of any actions of any kind by the South Vietnamese in South Vietnam or outside of South Vietnam."

The cables certainly contradict that.

Secretary McNamara. I do not believe so, Senator Gore.

Senator Gore. Will you give me those cables?

Secretary McNamara. Yes, sir; I have them here, and I will be happy to see that they are inserted in the record right here. The cables instruct the commander of the Maddox to stay outside certain restricted areas. They do not tell him who is operating in the areas or against what targets or at what times. They simply say, "Stay north and east of a line between two points 17 degrees, 17 plus degrees, in such and such easterly longitude."

Later that instruction is modified to say, "Stay north of 19 degrees 10 minutes north."

Senator Gore. Well, Mr. Secretary, you said earlier that the commander of the Maddox knew what 34 operations stood for.

Secretary McNamara. I did not say; I think you will find in the record that I did not say that.

Senator Gore. Didn't he say that, Mr. Chairman?

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Secretary McNamara. You will have to check the record and see that. I said he did not know the time schedule of operations or of the targets or of the details of the operations. He did know that he was