to stay out of certain restricted areas. He knew the term "34-A" because it was included in a message that was sent to him.

Senator Gore. But did not know what it stood for?

Secretary McNAMARA. I do not believe he knew what it stood for, and he certainly did not know anything about these particular targets or dates or the nature of operations.

One good evidence of that is that he misidentified 34-A vessels as Russian vessels.

The CHAIRMAN. Didn't he later say in one of his cables that the North Vietnamese were very agitated about their presence there and regarded them as part of the 34-A operations, in one of the later cables? I think he said that is why he was apprehensive and suggested that they call off the further operation.

The cable—let me see, I think—let me see, this is very puzzling to me. Is this the one at the top? The cable from the Maddox, "The above patrol will"—this is to the Maddox—"clearly demonstrate our determination to continue these operations. Possibly draw North Vietnamese Navy patrol boats to northward away from the area of 34-A operations and eliminate DeSoto patrol interference with 34 operations."

Then, on the 4th of August, some 15 hours before the second incident, the operational commander of the Maddox and the Turner Joy, who was aboard the Maddox, sent the following to the commander of the 7th Fleet:

Evaluation of info from various sources indicates that DRV considers patrol directly involved with 34A Ops. The DRV considers United States presence as enemies because of these ops and have already indicated readiness to treat us in that category.

B. DRV are very sensitive about Hon Me. Believe this is PT operating base and the cove there presently contains numerous patrol and PT craft which have been repositioned from northerly bases.

I cannot imagine a commander who sent that saying that they considered him a part of the 34 operations without knowing anything about what 34 operations was.

Secretary McNAMARA. Well, I can only tell you what he tells us, which is that he did not know the nature of the 34-A operations, the targets, the times, the boats, the courses, or anything at that time.

The CHAIRMAN. The details.

Senator Gore. That was not what you told the committee though, Mr. Secretary.

Secretary McNAMARA. It is what I believe I told the committee.

PUBLIC STATEMENTS BY THE ADMINISTRATION DECEPTIVE

Senator Gore. You told the American people today they did not know about the details of the operation. What you said to the committee, back in 1964—let me find it:

Our Navy played absolutely no part in, was not associated with, was not aware of, any South Vietnamese actions if there were any.

Secretary McNAMARA. First, let us get clear that is in the paragraph that is talking about the Maddox, and the word "Navy" is synonymous with the Maddox there.

Senator Gore. Well, we just read—
The CHAIRMAN. This paragraph is from the communication from the Maddox.

Secretary McNAMARA. Let me just take it step by step here because I had in the same testimony said that the Navy had given boats to the South Vietnamese for this, for the purpose of Operation 34-A, so it is quite clear that the Navy in the generic sense and in the sense of the upper echelons of the Navy knew about 34-A, and my own testimony so indicated.

Senator Gore. May I interject something here?

Secretary McNAMARA. Surely.

Senator Gore. Also the Maddox received a cable that they could pick up a MAAG officer from South Vietnam, one of the advisory group in charge of 34 operations for any intelligence communication it wished to make.

Secretary McNAMARA. I do not believe that the MAAG officer was in charge of 34 operations. I think it was a MAC/V liaison officer.

The CHAIRMAN. It is MAC/V.

Senator Gore. What did the cable say? It was an advisory military officer to South Vietnam.

Mr. BADER. It simply said a MAC/V representative. It made no indication——

Secretary McNAMARA. It made no indication.

Senator Gore. What would he be if he was not a military adviser to South Vietnam?

Secretary McNAMARA. So far as the Maddox is concerned, he had no known relationship to 34-A but was presumably interested if he were there at all, and it turned out he was not interested enough to go, in sea infiltration, and the information the Maddox would collect in relation to it.

Senator Gore. For whatever it means, the commander of the task force was aware that if he wished some advice from an officer in an American officer in South Vietnam, he could contact him.

Secretary McNAMARA. Not advice. He was aware that he could——

Senator Gore. Information instead of advice.

Secretary McNAMARA. Not even information. It was presumably for the purpose of the MAC/V benefiting from association with the intelligence collection patrol, and MAC/V believed it did not benefit enough from association with the intelligence collection patrol to send an officer on it, and it did not.

Senator Gore. Well, the reason I am pressing this point is that a point was made by a member of this committee at the time that the U.S. vessels Maddox and Turner Joy were conducting their patrols if not in conjunction with, at least in such a way and at such times over a period of 2 days here, that the North Vietnamese might reasonably assume that there was coordination between the South Vietnamese-operated vessels which we had furnished, and the crews which we had trained and advisers which we had supplied, that they could likely consider, and it was reasonable that they would consider, that our ships were sufficiently associated with the operations as to be possibly confused with the attack and, indeed, as you have today cited, the communication, the intercepted communication, of the North Vietnamese referred to our ships as enemy vessels.
I now have the cable to the Maddox. You are going to have to read this, Mr. Bader. This is the original. I cannot read this.

Mr. BADER. "Embark COMVAN with personnel MAC/V rep"—a representative from the military assistance group in Vietnam—"and mobile photo unit photographer in Keelung, Taiwan. Offload personnel and equipment Keelung upon completion of patrol."

Secretary McNAMARA. Yes, and the MAC/V representative was, in effect, invited to participate in the patrol, assuming that he might find it useful to obtain at first hand the intelligence information the patrol collected, because of MAC/V's concern about sea infiltration, a concern that later led within 3 or 4 months after that to the establishment of the U.S. naval patrol along the coasts of Vietnam to stop sea infiltration. In any case MAC/V did not accept the invitation. He did not feel he would benefit from it, and there was no MAC/V representative on board.

May I go back to the point you made that it is your belief that the DeSoto patrols on the 2d of July, 2d of August, and 4th of August were carried out in such a way that North Vietnam could reasonably assume there was coordination between them and operations 34A, I do not believe so for the following reasons:

At the time of the July 30 operation, the Maddox was 130 miles from the point of attack when it occurred. The attack on the Maddox occurred 63 hours after the 34A attack. At the time of the attack on the Maddox, the Maddox was 28 miles from the coast and steaming east. I see no basis on which the North Vietnamese could have concluded that that Maddox patrol was coordinated with the 34A operation.

Secondly, at the time of the August 4 attack on the Maddox and the Turner Joy, they were 70 miles from the Operation 34A attack when it occurred.

The attack on the Maddox and the Turner Joy appeared 22 hours after the 34A attack. At the time the Maddox and Turner Joy were attacked they were 60 miles from the coast and they were steaming east.

And, finally, I am informed by those who interrogated the prisoners, the North Vietnamese naval prisoners, we have captured subsequent to the attack, that North Vietnam knew the difference between the 34A operations and the DeSoto patrols and did not confuse the two.

Senator GORE. I have now found the telegram I was, the cable I was searching for, and this was on July 10.

The Commander in Chief of the U.S. Forces in Pacific authorizes his fleet units involved in the DeSoto Patrol to contact Commander, United States Military Assistance Vietnam for any additional intelligence required for prevention of mutual interference with 34A Operations and such communications arrangements as may be desired.

That is what I was looking for.

Secretary McNAMARA. Yes. Well, that simply means that the commanders were trying to separate the two.

Senator GORE. But you tell us—

Secretary McNAMARA. May I just finish one second?

Senator GORE. Yes.
Secretary McNamara. That the commanders were trying to separate the two, and the commander in chief Pacific instructed his subordinate commanders in the commander of Naval Forces Pacific, and the 7th Fleet they were authorized to contact the U.S. commanders in South Vietnam to obtain enough information on the 34A operations to plan the DeSoto patrol in such a way as to not conflict with it.

Senator Gore. I do not know why you belabor the point. I do not wish to belabor it further.

It is clear to me that our Navy and the commander of the task force knew of the 34A operations. He was advised, as I have just read, to contact the commander in chief of the military assistance in Vietnam for additional intelligence required. For what purpose? Prevention of mutual interference with 34A operations.

The chairman has just read a telegram from the commander of the DeSoto patrol of the Maddox, referring to 34A operations.

Secretary McNamara, Senator Gore, may I interrupt you here one moment. I do not believe it is correct to say, as I understood you to say, that the commander of the Maddox was advised to contact MAC/V regarding 34A operations. I do not think that that cable is to the commander of the Maddox.

Senator Gore. Well, let me read it.

Secretary McNamara. Let us be sure, let me get the cable in front of me so I can be absolutely certain I know to whom it is addressed. What is the number of the cable?

Senator Gore. I do not know. I am reading from a summary here. It was on July 10, 1964. I do not believe I have—

Mr. Bader. I have the cable here, Mr. Secretary.

Senator Gore. Let the Secretary have it, if you will.

Mr. Bader. I want to make it clear for the record that this cable is to U.S. Fleet units, not direct to the Maddox.

Secretary McNamara. This is not the Maddox. This is from CINCPAC in Honolulu to CINCPAC Fleet, and it says:

"Desire you"—CINCPAC Fleet—"submit data required for the DeSoto patrol for the primary purpose of determining"—such and such, in designating type—"not mandatory it be employed. Desire patrol to be scheduled to commence 1 August, Direct liaison is authorized with MAC/V for any additional intelligence." That is between CINCPAC Fleet and MAC/V and not between the commander of the Maddox or the Maddox patrol.

Senator Gore. We keep alternating from the commander of the task force and the Pacific commander, and it seems to me that is really not consequential because whoever was directing the operation knew of both operations, and they were occurring within a period of 3 days within the same gulf, and the point was made here—let me repeat—that this would give cause or provocation because of concern for any reasonable opposing country to assume that there was coordination. But then you have given a statement.

NORTH VIETNAMESE COULD DISTINGUISH "MADDOX"

The CHAIRMAN. Will the Senator yield? The Secretary said the North Vietnamese did not confuse the Maddox with 34 ops. I think
that is true, because they knew it well enough that they certainly thought it was involved in or coordinated with it. That is, I accept the idea that they could tell the difference between the Maddox, which is quite a little ship, and a patrol boat.

But the wire, the cable, from the Maddox commander, that is, the commander of the task force, clearly indicates that the DRV, as he says, considers patrol directly involved with 34-A Ops. The word confused with — no one is contending they could not tell the difference between a destroyer and a patrol boat, but they were involved with or they were coordinating their actions; that is what this shows.

Secretary McNamara. Mr. Chairman, there have been several points raised by Senator Gore and you, and let me try to cover them, as I recall.

First, Senator Gore said it is not very relevant to whom the message is addressed. It is absolutely fundamental in relation to my testimony and in relation to the question of the degree to which the commander of the Maddox knew about 34-A, as to whether the cable from CINCPAC instructing CINCPAC Fleet to feel free to contact MAC/V went to CINCPAC Fleet or to the Maddox. If it went to CINCPAC Fleet it is not an instruction to Maddox. It is very relevant.

Secondly, the wire from the commander of the Maddox to which you referred, Mr. Chairman, as I explained this morning, was not based on any information available to him that he can now recall or that we know he had. I think it was sheer speculation, and an unfounded speculation, and a speculation that is disputed by other evidence.

Thirdly, there is no question but what the Desoto patrol and the Operation 34 tracks and activities were separated in place and time by miles and times that I referred to a moment ago.

The North Vietnamese radar tracked both of them; we can be confident of that. They knew they were separated in place and time, but importantly, and most important of all, the North Vietnamese knew they had nothing to fear from our Desoto patrol. This was the fourth one carried out. They were all carried out essentially in the same fashion and operating procedures. At no time did any of these patrols carry out hostile action. At no time did they contribute in any way to the success of the 34-A Operations and, therefore, there was no basis whatsoever for the North Vietnamese to consider them a part of or associated with 34-A Operations.

The Chairman. That is mighty hard to believe. In this same cable, the Maddox commander asks for cover overhead under the control of the destroyers. Even 15 minutes was not enough. Why would he be so concerned?

Senator Gore. He wanted them immediately overhead and under his command.

The Chairman. He wanted them immediately under control of the destroyer.

Secretary McNamara. Let me ask each of you gentleman if you had been attacked yesterday, and you had knowledge that you were likely to be attacked again, would you be satisfied with less than immediate air cover? I would not, and he was not.

The Chairman. No, because of what he says here, because he considers him the enemy.
Secretary McNAMARA. Not because of what he says here, but because he was shot at. I happen to have one of the bullets in my pocket, 24 hours before. Here it is, right here. This came from the man who sent the cable. That is the reason why he was asking for a 15-minute-reaction air cover.

Senator Gore. You hold one bullet, and we sent 64 ships in retaliation.

Secretary McNAMARA. And there were—

Senator Gore. Airships.

Secretary McNAMARA. There were two separate attacks on U.S. vessels on the high seas.

Senator Gore. I do not think, Mr. Secretary, the second attack has been established by your testimony today at all.

EVIDENCE FOR SECOND ATTACK IS NOT SUFFICIENT

Secretary McNAMARA. All I can say is that that—

Senator Gore. I think there is more question now than when you came.

Secretary McNAMARA. All I can say, Senator Gore, is that those in the Department who had no responsibility for the retaliation, and who have examined the information, concluded beyond any shadow of their doubts that the second attack occurred.

Senator Gore. Let me state quite candidly my feeling of doubt and question. I hope that further inquiry will resolve these doubts and questions. I feel the Congress and the country were misled about the closeness of operation of DeSoto patrol and the South Vietnamese raids by vessels that we had furnished, by men we had trained, operating with the advice of our military advisers in South Vietnam. That is No. 1. . .

I know I have been misled. It may be partly my fault. I am not excusing myself.

Secondly, I feel that I was misled that this was an entirely unprompted attack, that our ships were entirely on routine patrol. The fact stands from today that they were intelligence ships; that they were under instructions to agitate North Vietnam radar, that they were plying close to the shore within 4 miles of the islands under orders in the daytime, retiring at night; that they were covered with immediate air cover which, in itself—that they were covered with military aircraft which you said on television the other day which would be provocative off of North Korea. Why it would not be provocative off of North Vietnam I do not know.

Thirdly, I think that from my tentative conclusion it is that the administration was hasty, acted precipitately, inadvisably, unwisely, out of proportion to the provocation in launching 64 bombing attacks on North Vietnam out of a confused, uncertain situation on a murky night, which one of the sailors described as one dark as the knob of hell; and, particularly, 5 hours after the task force commander had cabled that he doubted that there were any attacks, and recommended no further action be taken until it was thoroughly canvassed and reviewed. And yet you give to the American people the canvass that occurred, two canvasses, one on the 7th and one on the 14th, several days after the attacks.
So I think, Mr. Chairman, in view of all these facts, and in view of the statement that has been released which, I submit, is misleading in details which I have cited, and I have marked others as I went through, that we have no choice but to proceed further with the inquiry.

The CHAIRMAN. Senator Pell, you have been patient.

Secretary MoNAMARA. Mr. Chairman, may I make one or two brief comments. I do not think you will want me to take time at 6:25 in the evening to respond in full to Senator Gore's comments, because I disagree almost completely with all of them, and I think the record or the testimony today will show why.

I do want to make two points, however, that the commander of the task force did not say he doubted there was any attack, as Senator Gore alleged. He specifically did not use that language, and I think the record should not be allowed to show that——

Senator Gore. Mr. Chairman, could I ask that his——

Secretary MoNAMARA. Yes.

Senator Gore. I was paraphrasing.

Secretary MoNAMARA. He raised a question about certain details, and we will put the exact message in here. It is at [deleted].

Mr. BADER. Mr. Secretary, I think I could read it for you again.

Secretary MoNAMARA. No, we will just put it right in here.

Senator Gore. Let me read it. It is certainly better than the words that I have used:

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

Yet 5 hours later we launch an attack with 64 planes on a little country.

Secretary MoNAMARA. Because we have made a complete evaluation.

The point I want to make is he did not doubt there was any attack. He did not say so in his message.

WASHINGTON DID NOT HAVE ALL DETAILS OF ATTACK

The second point I want to make is that I did not state in my statement that we had information from Admiral Johnson or that we had Admiral Johnson's evaluation report or Admiral Moorer's evaluation report or General Burchinal's evaluation report at the time we made the decision regarding retaliation. I very specifically mentioned on page 10, I believe, that some of the details cited above, particularly the statements of eye witnesses, had not reached Washington at the time the reprisal air strikes were executed, but information adequate to establish beyond any doubt that an attack had taken place was available, and I listed specifically what that was. I said allow me to repeat again that information.

Senator Gore. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Pell, you have been very patient.

Senator Pell. I have a couple of questions and one comment, if I may.

In your open, released statement, you mentioned the figure of, first it was 8 miles and then withdrawn to 11 miles, of the patrol. What was the reason for choosing 11 miles as opposed to 12 or 13?
Secretary McNamara. I cannot say why it was 11. I think I can say why it was 8. They simply wanted to make it a little further away than it has been previously and, as you know, the patrol itself stayed 16 miles away, although it was authorized to go 11.

 **CONTESTING CLAIMS OF TERRITORIAL WATERS**

Senator Pell. Right.

I understand you presumed North Vietnam had a 3-mile limit because it was a successor country to France, which had had it.

I am disturbed here with the analogy of Korea because Korea is also a successor country to a nation that had a 3-mile limit, specifically, Japan.

And yet we have honored, as I understand, quite conscientiously, the 12-mile limit that North Korea has claimed. What is the reason for presuming or for not presuming that North Vietnam did not also have a 12-mile limit?

Secretary McNamara. Because in the case of North Korea they had previously stated a claim to territorial waters out to 12 miles whereas North Vietnam had not made any such claim. I want to emphasize, of course, we do not recognize North Korea's claim to 12 miles. The point here is that North Vietnam had not claimed 12 miles.

Senator Pell. Right.

Secretary McNamara. And, therefore, we were not operating within territorial waters claimed by them.

Senator Pell. It is not so much a question of recognizing or not recognizing. We do not willfully want to provoke more hostilities. I am sure you probably feel that way more strongly than any of us.

I was looking at the note that the North Vietnamese sent to the International Control Commission, on the 31st of July, objecting to the 34A operations, calling it a violation of the sovereignty and territorial integrity of the DRV, and referring to them as acts of the Americans, and the Southern Administration. Then on August 5, they made an English language broadcast, in which they referred specifically to our destroyer, and said:

"On the afternoon of 5th August it (the destroyer) encountered our patrol boats between Hon Me and Laoh Truong in our territorial waters. In the face of the provocations by the sea rovers, our patrol ships took action to defend our territorial waters and fishermen and chased the enemy ship out of our territorial waters.

This (this broadcast of August 5 stating that our destroyer was in their territorial waters on August 2 when we knew that, while she had gone to within 8 miles of the North Vietnamese main shore, her orders had permitted her to go no nearer)1 would indicate to me that they had thought that 12 miles was their territorial limit. Would you believe that this broadcast supported that thought?

Secretary McNamara. It would indicate that they thought 8 miles or 12 miles?

Senator Pell. Twelve miles.

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1 Parenthetical statement subsequently added for clarification.
Secretary MCNAMARA. I do not think it really led us to that conclusion. We believed up to that time they thought 3 miles was the territorial limit because they had not stated anything beyond that.

Senator PELL. You thought 12 miles up to that time?

Secretary MCNAMARA. No; we thought 3 miles.

Senator PELL. Three miles, I am sorry.

Secretary MCNAMARA. Was their territorial limit because they had not said anything to the contrary. It was not until September 1 that they did, to the best of my knowledge.

Senator PELL. I must say I agree with Senator Gore in his point that the retaliation seems large in proportion to the offense. I know from the old rules of land warfare that if you are engaged in hostilities or occupying a country, the rule of thumb given to a commanding officer is that you can retaliate 10 to one. If two of your men are killed by saboteurs or franc tireurs, you have recognized authority to kill 10 civilians for each one of your men. At least, this Is what we were taught in World War II.

It seemed to me in these two attacks, one definite and one quite possible, we suffered no damage. Therefore, why did we feel we had to retaliate on the basis of almost infinity from the viewpoint of the damage we suffered?

Secretary MCNAMARA. Well, the attack was, the retaliation was, against sites associated with the vessels that carried out the attacks on our ships. The crime was not measured by the amount of damage done. It was measured by the violation of our right to navigate freely on the high seas, and it appeared to us that the retaliation was controlled, limited, and quite appropriate to the character and type of attack upon us.

Senator PELL. This is obviously a question of, a very subjective question of, opinion, where some of us would disagree strongly with you. But that is past history...

I would commend you on the way you handled the Pueblo case, because, although you had so many similarities there, you apparently followed a completely opposite course from the Maddox. You did not have an air cover; kept out of the 12-mile limit, and did not over react.

Do you feel that the lessons of the Maddox and Tonkin Bay resolution may have had an effect on your reaction to the heinous seizure of the Pueblo?

Secretary MCNAMARA. No. I think the Pueblo case was different in the history that preceded it as compared to the Maddox.

We had clear and convincing evidence that North Vietnam was directing military operations of the Vietcong in South Vietnam; was supplying men for those operations by sea as well as supplying military materiel in large quantities, both men and materiel; and, therefore, that there was greater risk for our operations in the Gulf of Tonkin than there was in the waters off of North Korea.

I think that is the reason for both a difference in the nature of the patrol and also for the difference in the response.

Beyond that, beyond the history leading up to the actions, I think one should also recognize in the case of the retaliation attack against the North Vietnamese patrol boat bases, that this occurred after the
second attack, and after the President, following the first attack, had stated that we would maintain our right to operate on the high seas, and that interference with that right would carry with it the gravest of consequences. So I think the situation really was quite different.

Senator Pell. All right.

COMPARISONS WITH OTHER ATTACKS ON AMERICAN SHIPS

The Chairman. I wonder if he would elaborate on the distinction between these cases and the Liberty where we were on the high seas and they actually destroyed the boat and killed 34 of the men.

Secretary McNamara. I think the major difference, Mr. Chairman, is in intent. There was no intent on the part of the attackers of the Liberty that has ever been disclosed to me from the Government of Israel to attack our ship.

The Chairman. That is more important than the actual destruction?

Secretary McNamara. I think so.

Senator Pell. I have the greatest sympathy with the officers of the ships. As one of the few people here who once stood watch underway and engaged in combatant activities at night, I can see how the confusion comes. I think you can imagine it, as you read your statement, as you hear Senator Gore's questions. I still stick to my view that our Government's response was excessive to the offense, particularly as it has been delineated in this hearing.

My regard for you as an individual remains very high. I am sure that in no way would you intentionally or are you in any way now intentionally misleading us. But I still believe we can all be honorable men and yet differ as to the courses of the same actions and react differently.

Secretary McNamara. Thank you.

The Chairman. Is that all?

Senator Pell. Yes, sir.

The Chairman. Does the Senator from Missouri wish to ask a question?

Senator Symington. Again, Mr. Secretary, I am sorry I was not here more today. Most of the people on this committee are also on the Finance Committee, so they never schedule hearings for me.

As I understand it from the little that I heard this morning and have heard today, if there was a mistake, and you do not believe there was a mistake, it was an unintentional mistake; and there was no conspiracy, no effort to formulate something to mislead the American people so as to justify going into a more active state of belligerency with North Vietnam. Does that sum it up?

Secretary McNamara. It does.

My belief is that the first attack occurred, the second attack occurred. We had evidence of a second attack at the time of our decision to retaliate. We acted constructively to try to avoid provocation, and there is no evidence submitted then or now that indicates either provocation or planned provocation.

Senator Symington. Thank you.
PROBLEM OF DISCLOSING SOURCES OF INFORMATION

One other question. I noticed you mentioned in your statement, which I saw only a few minutes ago, intelligence reports of a highly classified and unimpeachable nature. If that has been released, does that release us from being more specific about what the information was?

Secretary McNamara. No, sir. While you were at the other committee hearing I read a report from General Carroll that emphasized the very serious penalties that we faced were the source of the information disclosed.

Senator Symington. From the standpoint of future military operations?

Secretary McNamara. From the standpoint of current military operations.

Senator Symington. Well, tomorrow is future. I am probably the least informed. I just have not had the time, but is it fair to say that the actions taken were taken on the basis of this highly classified unimpeachable source information?

Secretary McNamara. It was one of the major factors leading us to the conclusions that we came to.

Senator Symington. Do you think you would come to these conclusions without it?

Secretary McNamara. Yes.

Senator Symington. That is an interesting answer. It was not the deciding factor, but it justified the decision.

Secretary McNamara. It did.

Senator Symington. Is that correct?

Secretary McNamara. It did.

Senator Symington. I have no further questions, Mr. Chairman.

The Chairman. Mr. Secretary, I apologize for going so long.

RELEASE OF TESTIMONY CONSIDERED

In view of your release of your statement, do you have any objection to the committee, if it so decides, to release this transcript?

Secretary McNamara. Only as much information, Mr. Chairman, in the transcript that ought to be removed is that which refers to sources of data, and so on. But subject to that, I would be delighted to see it released.

The Chairman. This was one reason why I objected to releasing your statement until we had had an opportunity to see what the hearing would develop. But I think you can understand that it is going to be rather difficult to refrain from making public a major part, if not all, of this transcription order to give a balanced picture of the whole affairs; don't you?

Secretary McNamara. Mr. Chairman, I am sure you will recall I explained why my statement was released. I released my statement because there was an absolutely incorrect newspaper report of my testimony this morning issued.

Senator Gore. Mr. Secretary, you released an incorrect statement, at least one that is not in conformity with your testimony today.
Secretary McNamara. Senator Gore, I am sorry you hold that opinion. It is not held by others who have reviewed my statement in great detail. But I think it is perfectly clear that there was a newspaper report released at 3:23 this afternoon that was an absolutely false report on what I said this morning on a very important issue, and I do not suggest that a member of the committee made a false statement. I simply say that the newspaper report falsely reported what I said this morning.

Senator Symington. It is most unfortunate if he did.

The Chairman. I, of course, have no knowledge of that either; but I do not think it is all that important when he said it was in territorial waters.

LOCATION OF AMERICAN SHIPS DISCLOSED

Secretary McNamara. He did not say it was in territorial waters. I should not say he said, the newspaper report said he said I said it was in territorial waters. I did not say it was in territorial waters. It is a most important point, and I could not stand with that—I made every effort—I delivered 200 copies of that statement to this committee this morning. I specifically instructed my people not to release it. We leaned over backward.

The Chairman. What I mean is, there is nothing at all critical if you had stated that you did not say they were in territorial waters. But you released the whole statement, and that 20-page statement, which is a slight escalation.

Secretary McNamara. All I can say I told you, Mr. Chairman, why I did it.

The Chairman. I can understand why you did it. But you released the entire statement. There was no reason why you could not have stated to the press that you did not say they were in territorial waters, which would have been a direct denial of what was said. All, or even the report of the newspapers, all he said was they were in the territorial waters.

Now, there has been this general feeling around of 12 miles. We recognized 12 miles in Korea. We carefully recognized or at least we avoided going within 12 miles of Communist China, and if he said it, I think it was an inadvertence because of the great discussion that has been place about North Korea and the Pueblo, and I regret it was said.

If Senator McCarthy was quoted in the press report.

Secretary McNamara. Mr. Chairman, may I read it to Senator Symington? I would like him to know, if I may read it.

The Chairman. You can give it to him.

Secretary McNamara. Read the first two lines pencil bracketed, Senator Symington.

In view of the Pueblo case, in view of the controversy over whether we were or were not in territorial waters with the Maddox and the Joy, it was absolutely essential that that be corrected, and corrected quickly and precisely, and that is why the statement had to be released.

The Chairman. I see no objection to your saying you did not say it was in territorial waters.
The exchange that Senator Pell read, it is quite clear, that the North Vietnamese believed you were in territorial waters. They did not come right out and say, "Our 12-mile territorial waters," but if you were in the area which the record shows you were, they believed you were in their territorial waters. I have no way of knowing whether they never had expressed 12 miles. That requires research. I do not know whether your lawyers have done a complete research, and are positive that in the last 10 years they have never claimed 12 miles or not. That is a matter that has never been brought up before.

Actually there was an assumption, because of these other cases that 12 miles was what they claimed. We have not, the staff has not, had an opportunity to make any inquiry at all on that point.

But I think publication of your statement puts a great deal of pressure on the committee to release the transcript, and I do not propose, of course, to do it without action of the committee, but I think it does make it very difficult for us.

Senator Gore. Mr. Chairman, great reliance has been placed, the Secretary has placed great reliance, it seems to me, upon this unidentified, unimpeachable, highly classified source. Twice in his statement he has quoted that source as reporting something which the evidence does not support. So I do not know what the committee does now. I think we must plow forth and get to the full truth and make a report to the people.

The CHAIRMAN. I understood the Secretary to say to the Senator from Missouri that this highly classified information was not an absolutely essential basis for the decision. Even without those reports he would still have made the same decision, so that might make it easier to simply delete that evidence. I do not know.

Well, I do not know what the committee, in its wisdom, will decide to do. I certainly do not feel authorized to release the transcript. I do not propose to do it until the committee considers the matter. But I was just inquiring while the Secretary is here, as to what his attitude is toward releasing of the transcript.

Secretary McNAMARA. Mr. Chairman, after eliminating those particular aspects of it that would compromise our intelligence collection sources, I would be delighted to see it released.

WOULD DISCLOSURE JEOPARDIZE OUR SECURITY?

The CHAIRMAN. Mr. Secretary, I do not like to take issue with you, but it is awfully hard for me to believe that 3½ years after that this is of any significance to current security. It is just incredible. [Deleted.]

Secretary McNAMARA. Mr. Chairman, I am quite prepared to have this issue presented to the Foreign Intelligence Board and rely on their decision. I simply tell you that the intelligence, senior intelligence, directors of our Government, CIA, DIA, and NSA, state categorically that it would be a serious compromise of intelligence sources.

I am quite prepared to have my acceptance of their statement judged and overridden by a decision of the Foreign Intelligence Board, and I will put it up to them if you wish.

The CHAIRMAN. Of course, you raise this very difficult question that confronts us all along, and it seems to me the executive branch takes
the position that the Congress has no function to play in foreign relations and in making war; that we should do anything and everything that the executive—

Senator Symington. Mr. Chairman, if I may, when this question of the Tonkin Gulf episode came up I did suggest that we get somebody knowledgeable [deleted] and have him come before the committee, so we could get an independent slant on what the damage might be. Frankly, I did not know what it was or would be.

We are losing 300 or 400 men a week now, and should be careful. I did make that suggestion, before the two Secretaries went on "Meet the Press" 3 or 4 weeks ago; and still think it then was a good suggestion. I would hope the Chair and the committee would give consideration, not as decisive, but as something that should be considered.

The Chairman. The Senator says he has not read it. But if he reads the Secretary's statement which has been released, it is quite definite, I think, to anyone [delete].

Senator Symington. I must say that was my impression when I just read it.

The Chairman. It is a highly classified source. That is the only thing it could mean [deleted] and for us to say it a second time does not seem to me to add anything to it [deleted].

Senator Gore. Mr. Chairman, it is nearly 7 o'clock.

The Chairman. I move we adjourn.

Senator Gore. I suggest you and the Secretary talk about this privately.

The Chairman. I move we adjourn.

Senator Symington. I second that motion.

Secretary Monamara. If you want my opinion, I agree with the chairman.

(Whereupon, at 6:50 p.m., the committee adjourned.)

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