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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

CARL MARCY, CHIEF OF STAFF
ARTHUR M. KUHL, CHIEF CLERK

/ January 24, 1972

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Dr. Louis W. Tordella
Deputy Director
National Security Agency
Fort Meade, Maryland

Dear Dr. Tordella:

Thank you for your courtesy in seeing me on Friday and in giving me access to the Tonkin intercepts as Secretary Laird had arranged.

I have now prepared the memorandum which I mentioned and which I plan to send to Senator Fulbright. I enclose a draft of that memorandum and before sending it to the Senator I want to be sure it is accurate in its references to our conversation and the intercepts which you showed me. I hope you will feel free to note any changes which you think should be made in this draft and call to my attention any misrepresentations that may inadvertently have crept in.

It would also be most helpful if I could have a photocopy of the one-page message you showed me -- which I called a "reconstruct" (I welcome a better word). I would like to send that as an attachment to my memorandum to the Senator. If you are agreeable to sending me a copy of this message, it would be helpful if it might be footnoted to interpret those symbols showing time of receipt, time of destruction, etc.

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As you will note, I have taken the liberty of expressing my personal opinion on several points. I tried not to describe any opinion you expressed except if related to your technical knowledge on the subject of communications and intercepts.

I take the occasion in this letter to note that you did make the point several times that in your view there was no doubt that the skippers of the MADDOX and the TURNER JOY thought they were under attack on August 4th and I expressed the view that on a dark night in a scary situation I could well understand that condition.

Sincerely yours,



Carl Marcy

CM:mmm

Enclosure

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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

January 20, 1972

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DRAFT

SENATOR FULBRIGHT:

Subject: Tonkin Incident

Last December 8th you wrote Secretary Laird asking if he could arrange to have a member of the staff examine "the originals of the intercepts" of communications which Secretary McNamara had testified were conclusive proof that the August 4, 1964 attack in the Gulf of Tonkin had indeed occurred. (See attached letter).

The reason for the request was that a carefully researched book by Anthony Austin entitled The President's War had offered the hypothesis that the significant intercepts which were received by the Joint Chiefs of Staff and the President on August 4th were in fact related to the admitted incident of August 2nd and not to the alleged incident of August 4 which precipitated retaliation and the Tonkin resolution. There was no allegation in the book that there had been any connivance in misreading the intercepts but that there had been confusion in the dates.

Today I went to the National Security Agency and met with Dr. Louis W. Tordella, Deputy Director of NSA, and with the General Counsel, Roy Banner. They showed me all the intercepts relating to the incidents of August 2 and 4. Dr. Tordella went over with me in detail the method by which these intercepts are obtained, interpreted, and transmitted to NSA and then distributed to the intelligence community.

which they had

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The intercepts of August 2 leave no doubt that the attack on the destroyer Maddox occurred substantially as reported at the time and that two or three of the attacking North Vietnamese patrol boats had been damaged or destroyed.

The one significant intercept with the date of August 4th reported that the North Vietnamese had attacked the enemy (the United States) and damaged him. (Full message attached?). Secretary McNamara had testified that this message was received in the Pentagon while our ships "were actually under attack." He also said that the message was coming in "twelve minutes after our ships reported they were being attacked."

The significant thing to me was that this August 4th intercept was not in the same form as the August 2 intercepts which I was shown. While it indicated that it had been received in NSA on August 4th during the attack and had been passed on to the Pentagon, this intercept was not an original. It was in the nature of a one paragraph summary or reconstruct of the intercept. I asked for the original or a clear copy of the original as I had been shown of the August 2 intercepts. Dr. Tordella said they did not have the original. He had searched for it without success; he was showing me all they had on the two incidents because he had thought some questions might be raised. So far as the intercept reconstruct dated August 4, he assumed that the original teletype communication received by NSA had been destroyed as being no longer necessary to retain because it had been used to produce the August 4 reconstructed or summarized message.

*before the
decision
of the
president
to retaliate*

I told Dr. Tordella that on the basis of what I had seen I felt I had to report to Senator Fulbright substantially as follows:

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"I (Marcy) had not seen any intercept that showed conclusively that the August 4th attack had occurred. The relevant intercept of August 4th showed only that the message described above (copy attached) had been received in NSA and passed on on August 4 but there was nothing in the message which indicated the actual day or time when the message had been transmitted and intercepted as was true with respect to other intercepts of August 2.

"Dr. Tordella agreed there was nothing in the message he showed me that would give one assurance that the actual transmission and interception had taken place on August 4th. I hypothesized from the content of the message that it might as easily have been a summary of events that took place on August 2 as an intercept taken during the time of the August 4 alleged action. Dr. Tordella said there was nothing in the document dated August 4 and nothing in the files of NSA that would rebut that hypothesis."

It is my conclusion that the principal intercept which the Administration in 1964 honestly thought proved the August 4 attack on the Maddox and Turner Joy was, in fact, a message either intercepted on August 2 or, if in fact intercepted on August 4th, referred to the attacks on August 2.

Carl Marcy

CM:mmm

Attachments

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I (Marcy) was shown conclusively that considerable SIGINT evidence was ~~not~~ available ~~to [redacted]~~ on 2 August to the effect that the North Vietnamese had intended to and had attacked the MADDOX on that date. This evidence consists of numerous intercepts of North Vietnamese traffic by several U.S. field intercept stations. I was told that their substance and at times their exact wording had been incorporated in electrical messages (dispatches) sent to the JCS and selected field commanders, among others, at high-priority precedence.

can be related to the events 2/11
I was shown only one piece of SIGINT evidence that ~~supports~~ ^{supports intelligence} ~~the claim of a planned attack by the North Vietnamese on 4 August.~~

This was an NSA publication as a formal piece of SIGINT end product of a translation of a North Vietnamese message intercepted by a U.S. field station on 4 August. I was told that this intercepted message was issued as serialized end product rather than incorporated with other ~~material~~ ^{material} in dispatch because of the events of 2 August and its apparent importance in connection with events in the Gulf of Tonkin. ~~I also was told that the copy I was shown was the hard (record) copy issued to back up an electrical release of this SIGINT end product.~~ A copy of the electrical release was available but a copy of the intercepted enciphered traffic on which the release was based was not available. Copies of the enciphered intercept messages of 2 August had been shown me as I noted

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above. Dr. Tordella said that he believed the issuance of formal end product accounted for the nonretention of the worksheets and raw material in the NSA files in contrast to the 2 August intercepts which were not issued as serialized formal end product. Dr. Tordella said that he could not certify that the events reported in the message actually occurred on the 4th vice the 2d but he pointed out the consistency of the internal North Vietnamese date/time group (4 Aug 2242G ~~1548Z~~, time of intercept (4 Aug 1957) and time of issuance by NSA (5 Aug 1957) as

1042 P.M. Torheim
1059 P.M. Torheim
2:33 AM Torheim

conclusive evidence of transmission by the North Vietnamese, intercept and issuance by the U.S. on 4 August, *3:33 E.D.T.*

~~Dr. Tordella's view is that the Secretary of Defense clearly~~ *on 4 August at 3:33 PM E.D.T.*

~~relied upon SIGINT in deciding that an attack was intended on 2 August.~~ *or 5 Aug 2:33 AM*

~~He knows that the commanding officer of the MABDOK reported an attack on that day and that this report was sent to the JCS among other addres~~ *Torheim*

A. Tordella

~~see~~ He cannot determine, from the evidence of the message available, the extent to which the Secretary relied upon SIGINT in deciding that an attack on the TURNER JOY was intended or actually took place on 4 August but he does know that her commanding officer reported to the JCS that he was being attacked. He was told that the Secretary had ~~the~~ report that the TURNER JOY was under attack, as well as the translated message

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issued as SIGINT end product which he understood was received by
the Secretary in the same time frame as ~~the~~ report from the TURNER JOY.

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31 Jan 1972

I (Marcy) was shown conclusively that considerable SIGINT evidence was available on 2 August to the effect that the North Vietnamese had intended to and had attacked the MADDOX on that date. This evidence consists of numerous intercepts of North Vietnamese traffic by several U.S. field intercept stations. I was told that their substance and at times their exact wording had been incorporated in electrical messages (dispatches) sent to the JCS and selected field commanders, among others, at high-priority precedence.

I was shown only one piece of signals intelligence (SIGINT) evidence that can be related to the events of 4 August. This was an NSA publication as a formal piece of SIGINT end product of a translation of a North Vietnamese message intercepted by a U.S. field station on 4 August. I was told that this intercepted message was issued as serialized end product rather than incorporated with other material in dispatch because of the events of 2 August and its apparent importance in connection with events in the Gulf of Tonkin. A copy of the electrical release ^{of the translation} was available but a copy of the intercepted enciphered traffic on which the release was based was not available. Copies of the enciphered intercept messages of 2 August had been shown me as I noted above. Dr. Tordella said that he believed the issuance of formal end

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Banner to deliver to Marcy. Boughardt said "No" to release the message. *h*

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product accounted for the nonretention of the worksheets and raw material in the NSA files in contrast to the 2 August intercepts which were not issued as serialized formal end product. Dr. Tordella said that he could not certify that the events reported in the message actually occurred on the 4th vice the 2d but he pointed out the consistency of the internal North Vietnamese date/time group (4 Aug, 10:42 p.m. Tonkin time), time of intercept (4 Aug, 10:59 p.m. Tonkin time), and time of issuance by NSA (5 Aug, 2:33 a.m. Tonkin time), as conclusive evidence of transmission by the North Vietnamese, intercept and issuance by the U.S. on 4 August at 3:33 p.m. E.D.T. or 5 August, 2:33 a.m. Tonkin time.

Dr. Tordella cannot determine, from the evidence of the message available, the extent to which the Secretary relied upon SIGINT in deciding that an attack on the TURNER JOY was intended or actually took place on 4 August but he does know that her commanding officer reported to the JCS that he was being attacked. He was told that the Secretary had reports that the TURNER JOY was under attack, as well as the translated message issued as SIGINT end product which he understood was received by the Secretary in the same time frame as reports from the TURNER JOY.

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