

Texts of Secret Documents on Top-Level U.S. Discussions of Indian-Pakistani War

WASHINGTON, Jan. 5.—Following are the texts of three secret documents made public today by the columnist Jack Anderson describing meetings of the National Security Council's Washington Special Action Group on the crisis between India and Pakistan:

Memo on Dec. 3 Meeting

Secret Sensitive
 ASSISTANT SECRETARY OF DEFENSE
 WASHINGTON, D. C. 20301
 International Security Affairs
 Refer to: 1-29643/71
 Memorandum for Record

SUBJECT
 WSAG meeting on India/Pakistan
 PARTICIPANTS
 Assistant to the President for national security affairs—Henry A. Kissinger
 Under Secretary of State—John N. Irwin
 Deputy Secretary of Defense—David Packard
 Director, Central Intelligence Agency—Richard M. Helms
 Deputy Administrator (A.I.D.)—Maurice J. Williams
 Chairman, Joint Chiefs of Staff—Adm. Thomas H. Moorer
 Assistant Secretary of State (N.E.E.A.R.)—Joseph J. Sisco
 Assistant Secretary of Defense (I.S.A.)—G. Warren Nutter
 Assistant Secretary of State (I.O.)—Samuel De Palma
 Principal Deputy Assistant Secretary of Defense (I.S.A.)—Armistead I. Selden Jr.
 Assistant Administrator (A.I.D./N.E.S.A.)—Donald G. MacDonald
 TIME AND PLACE
 3 December 1971, 1100 hours, Situation Room, White House.

SUMMARY
 Reviewed conflicting reports about major actions in the west wing, C.I.A. agreed to produce map showing areas of East Pakistan occupied by India. The President orders hold on issuance of additional irrevocable letters of credit involving \$99-million, and a hold on further action implementing the \$7-million P.L. 480 credit. Convening of Security Council meeting planned contingent on discussion with Pak Ambassador this afternoon plus further clarification of actual situation in West Pakistan. Kissinger asked for clarification of secret special interpretation of March, 1959, bilateral U. S. agreement with Pakistan.
 KISSINGER: I am getting hell every half-hour from the President that we are not being tough enough on India. He has just called me again. He does not believe we are carrying out his wishes. He wants to tilt in favor of Pakistan. He feels everything we do comes out otherwise.
 HELMS: Concerning the reported action in the west wing, there are conflicting reports from both sides and the only common ground is the Pak attacks on the Amritsar, Pathankot and Srinagar airports. The Paks say the Indians are attacking all along the border; but the Indian officials say this is a lie. In the east wing the action is becoming larger and the Paks claim there are now seven separate fronts involved.
 KISSINGER: Are the Indians seizing territory?
 HELMS: Yes; small bits of territory, definitely.
 SISCO: It would help if you could provide a map with a shading of the areas occupied by India. What is happening in the West—is a full-scale attack likely?
 MOORER: The present pattern is puzzling in that the Paks have only struck at three small airfields which do not house significant numbers of Indian combat aircraft.
 HELMS: Mrs. Gandhi's speech at 1:30 may well announce recognition of Bangladesh.
 MOORER: The Pak attack is not credible. It has been made during late afternoon, which doesn't make sense. We do not seem to have sufficient facts on this yet.
 KISSINGER: Is it possible that the

Indians attacked first and the Paks simply did, what they could before dark in response?
 MOORER: This is certainly possible.
 KISSINGER: The President wants no more irrevocable letters of credit issued under the \$99-million credit. He wants the \$72-million P.L. 480 credit also held.
 WILLIAMS: Word will soon get around when we do this. Does the President understand that?
 KISSINGER: That is his order, but I will check with the President again. If asked, we can say we are reviewing our whole economic program and that the granting of fresh aid is being suspended in view of conditions on the subcontinent. The next issue is the U.N.
 IRWIN: The Secretary is calling in the Pak Ambassador this afternoon, and the Secretary leans toward making a U.S. move in the U.N. soon.
 KISSINGER: The President is in favor of this as soon as we have some confirmation of this large-scale new action. If the U.N. can't operate in this kind of situation effectively, its utility has come to an end and it is useless to think of U.N. guarantees in the Middle East.
 SISCO: We will have a recommendation for you this afternoon, after the meeting with the Ambassador. In order to give the Ambassador time to wire home, we could tentatively plan to convene the Security Council tomorrow.
 KISSINGER: We have to take action. The President is blaming me, but you people are in the clear.
 SISCO: That's ideal.
 KISSINGER: The earlier draft for Bush is too even-handed.
 SISCO: To recapitulate, after we have seen the Pak Ambassador, the Secretary will report to you. We will update the draft speech for Bush.
 KISSINGER: We can say we favor political accommodation but the real job of the Security Council is to prevent military action.
 SISCO: We have never had a reply either from Kosygin or Mrs. Gandhi.
 WILLIAMS: Are we to take economic steps with Pakistan also?
 KISSINGER: Wait until I talk with the President. He hasn't addressed this problem in connection with Pakistan yet.
 SISCO: If we act on the Indian side, we can say we are keeping the Pakistan situation "under review."
 KISSINGER: It's hard to tilt toward Pakistan if we have to match every Indian step with a Pakistan step. If you wait until Monday, I can get a Presidential decision.
 PACKARD: It should be easy for us to inform the banks involved to defer action inasmuch as we are so near the weekend.
 KISSINGER: We need a WSAG in the morning. We need to think about our treaty obligations. I remember a letter or memo interpreting our existing treaty with a special India tilt. When I visited Pakistan in January, 1962, I was briefed on a secret document or oral understanding about contingencies arising in other than the SEATO context. Perhaps it was a Presidential letter. This was a special interpretation of the March, 1959, bilateral agreement.

Prepared by:
 JAMES M. NOYES
 Deputy Assistant Secretary for Near Eastern, African and South Asian Affairs
 Approved:
 (illegible signature)
 For G. Warren Nutter, Assistant Secretary of Defense for International Security Affairs.
 Distribution: Secdef, DepSecdef, CJCS, ASD(ISA), PDASD(ISA), DASD: NEASA & PPNASCA, Dep Dir: NSCC & PPNASCA, CSD files, R&C files, NESA.

Account of Dec. 4 Meeting

Covering Memorandum
 THE JOINT CHIEFS OF STAFF
 WASHINGTON, D. C. 20301
 Secret-Sensitive
 Memorandum for: Chief of Staff, U.S. Army

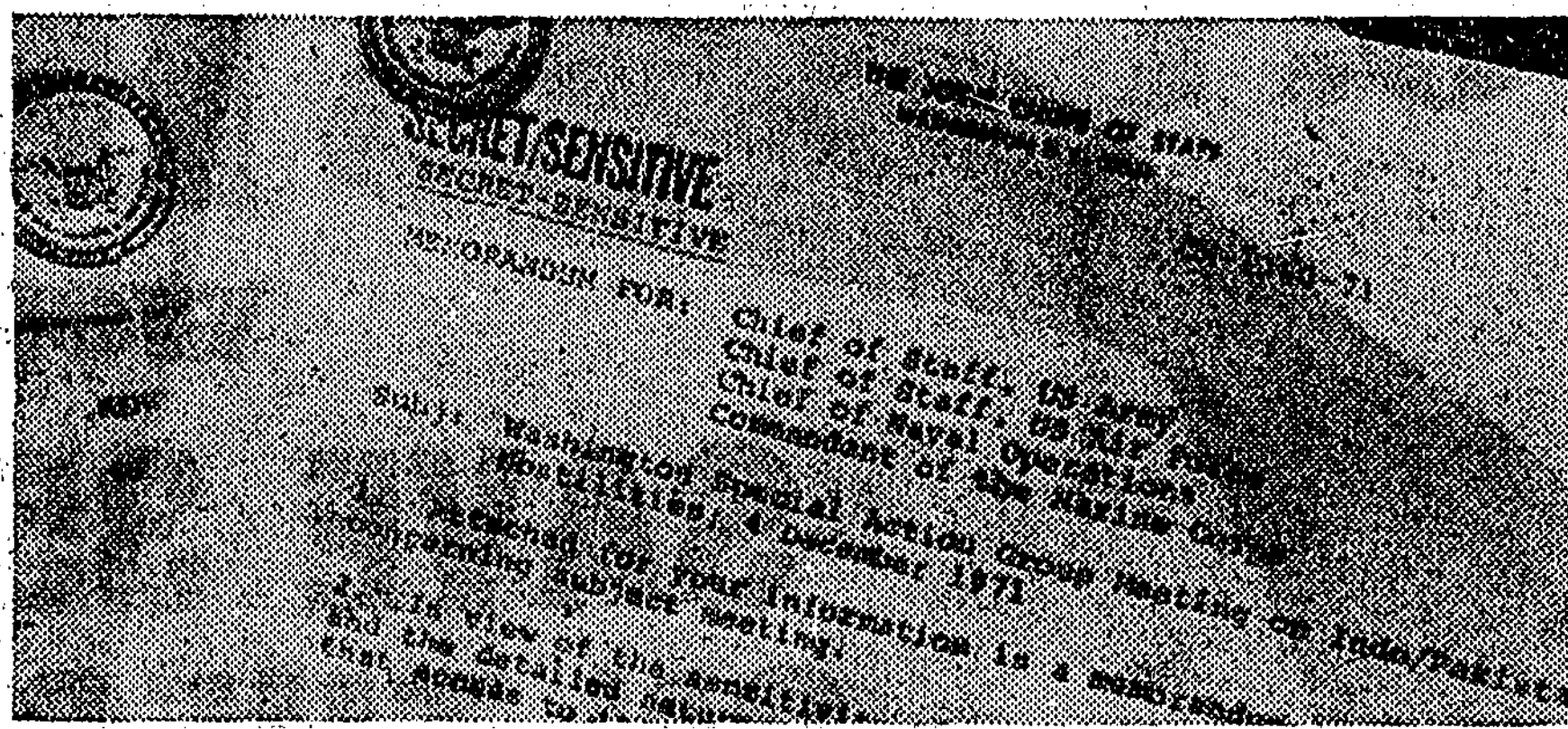
Chief of Staff, U.S. Air Force
 Chief of Naval Operations
 Commandant of the Marine Corps
 SUBJECT
 Washington Special Action Group meeting on Indo/Pakistan hostilities; 4 December 1971.
 1. Attached for your information is a memorandum for record concerning subject meeting.
 2. In view of the sensitivity of information in the N.S.C. system and the detailed nature of this memorandum, it is requested that access to it be limited to a strict need-to-know basis.
 For the chairman, J.C.S.:
 A. K. KNOZEN
 Captain, U.S. Navy
 Executive assistant to the Chairman, Joint Chiefs of Staff

Report on the Meeting

Secret Sensitive
 THE JOINT CHIEFS OF STAFF
 WASHINGTON, D. C. 20301
 5 December 1971
 MEMORANDUM FOR RECORD

SUBJECT
 Washington Special Action Group meeting on Indo-Pakistan hostilities; 4 December 1971.
 1. The N.S.C. Washington Special Action Group met in the Situation Room, the White House, at 1100, Saturday, 4 December, to consider the Indo-Pakistan situation. The meeting was chaired by Dr. Kissinger.
 2. Attendees
 A. Principals:
 Dr. Henry Kissinger
 Dr. John Hannah, A.I.D.
 Mr. Richard Helms, C.I.A.
 Dr. G. Warren Nutter, Defense
 Admiral Elmo Zumwalt, J.C.S.
 Mr. Christopher Van Hollen, State
 B. Others:
 Mr. James Noyes, Defense
 Mr. Armistead Selden, Defense

Rear Adm. Robert Welander, O.J.C.S.
 Capt. Howard Kay, O.J.C.S.
 Mr. Harold Saunders, N.S.C.
 Col. Richard Kennedy, N.S.C.
 Mr. Samuel Hoskanson, N.S.C.
 Mr. Donald MacDonald, A.I.D.
 Mr. Maurice Williams, A.I.D.
 Mr. John Waller, C.I.A.
 Mr. Samuel De Palma, State
 Mr. Bruce Lanigan, State
 Mr. David Schneider, State
 3. Summary. It was decided that the U. S. would request an immediate meeting of the Security Council. The U. S. resolution would be introduced in a speech by Ambassador Bush as soon as possible. The U.S.G.-U.N. approach would be tilted toward the Paks. Economic aid for Pakistan currently in effect will not be terminated. No requirements were levied on the J. C. S.
 4. Mr. Helms opened the meeting by indicating that the Indians were currently engaged in a no holds barred attack of East Pakistan and that they had crossed the border on all sides this morning. While India had attacked eight Pak airfields there were still no indications of any ground attacks in the West. Although not degrading a formal declaration of war, President Yahya has stated that "the final war with India is upon us," to which Mrs. Gandhi had responded that the Pak announcement of war constituted the ultimate folly. The Indians, however, had made it a point not to declare war. The Indian attacks have hit a major P.O.L. area in Karachi resulting in a major fire which will likely be blazing for a considerable length of time, thus providing a fine target for the India air force. Mr. Helms indicated that the Soviet assessment is that there is not much chance of a great power confrontation in the current crisis.
 5. Dr. Kissinger remarked that if the Indians have announced a full scale invasion, this fact must be reflected in our U.N. statement.
 6. Mr. Helms indicated that we do not know who started the current action, nor do we know why the Paks hit the four small airfields yesterday.
 7. Dr. Kissinger requested that by Monday the C.I.A. prepare an account of who did what to whom and when.
 8. Mr. De Palma suggested that if we



SECRET INDIAN-PAKISTAN PAPERS, which Jack Anderson, the columnist, distributed in Washington yesterday. They are classified "secret sensitive."

- ### Terms Used in the Texts
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| A.I.D.—Agency for International Development | Deputy Director, Policy Plans and National Security Council Affairs | O.S.D. Files—Office of Secretary of Defense Files |
| A.S.D.—Assistant Secretary of Defense, International Security Affairs | Dep. Sec. Sec. of Defense | Paks—Pakistanis |
| C.I.A.—Central Intelligence Agency | I.S.A.—International Security Affairs | P.D.A.S.D. (I.S.A.)—Principal Deputy Assistant Secretary of Defense, International Security Affairs |
| C.I.A.—Chairman, Joint Chiefs of Staff | J.C.S.—Joint Chiefs of Staff | P.O.L.—petroleum, oil and lubricants |
| D.A.S.D.—N.E.A.S.A. & P.P.N.S.C.A.—Deputy Assistant Secretary of Defense, Near Eastern, African and South Asian Affairs; Deputy Assistant Secretary of Defense, Policy Plans and National Security Council Affairs | L.O.C.—Lines of communication | P.L.—public law |
| | M.A.P.—Military Assistance Program | R & C Files—Records and Control Files |
| | N.E.A.—Near East and South Asia | S.O.S.—Secretary of Defense |
| | N.S.C.—National Security Council | U.S.G.—United States Government |
| | N.S.C.—Office of Joint Chiefs of Staff | W.S.A.G.—Washington Special Action Group, arm of National Security Council |
| | | |

refer to the India declaration in our discussion in the U.N., that we almost certainly will have to refer to remarks by Yahya.
 9. Dr. Kissinger replied that he was under specific instructions from the President, and either someone in the bureaucracy would have to prepare this statement along the lines indicated or that it would be done in the White House.
 10. Mr. Helms referred to the "no holds barred" remark in the official India statement and similar remarks that were being made from the Pak side.
 11. Dr. Kissinger asked whether the Indians have stated anything to the effect that they were in an all-out war.
 12. Mr. Helms said that the terminology was "no holds barred."
 13. Dr. Kissinger asked what the Paks have said. Mr. Helms said the terminology was "final war with India." Dr. Kissinger suggested this was not an objectionable term. It did not seem outrageous to say that they (the Paks) were trying to defend themselves.
 14. Dr. Kissinger then asked what was happening in the U.N., to which Mr. De Palma responded that the U.K., Belgium, Japan and possibly France were joining for a call for a Security Council meeting. The Japanese had detected some slight tilt in our letter requesting the meeting. The Japanese preferred a blander formulation. We have not, however, reacted to the Japanese.
 15. Dr. Kissinger asked to see the letter and requested that it be promulgated in announcing our move in the U.N., to which Mr. De Palma responded affirmatively.
 16. Dr. Kissinger stated that while he had no strong view on the letter, our position must be clearly stated in the announcement.
 17. Dr. Kissinger stated he did not care how high parties might react, so long as Ambassador Bush understands what he should say.
 18. Dr. Kissinger said that whoever was putting out background information relative to the current situation is provoking Presidential wrath. The President is under the "illusion" that he is giving instructions; not that he is merely being kept apprised of affairs as they progress. Dr. Kissinger asked that this be kept in mind.
 19. Mr. De Palma indicated that he did not yet know whether the Security Council would be convened in the afternoon or evening (this date). However, the first statements at the meeting would likely be those by the Indians and Paks. He suggested that Ambassador Bush should be one of the first speakers immediately following the presentation by the two contesting nations. He felt that the impact of our statement would be clearer if it were made early. Dr. Kissinger voiced no objections.
 20. Mr. De Palma asked whether we wanted to get others lined up with our resolution before we introduced it. This, however, would take time. Dr. Kissinger suggested rather than follow this course, we had better submit the resolution as quickly as possible, alone if necessary. According to Dr. Kissinger the only move left for us at the present time is to make clear our position relative to our greater strategy. Everyone knows how all this will come out and everyone knows that India will ultimately occupy East Pakistan. We must,

therefore, make clear our position, table our resolution. We want a resolution which will be introduced with a speech by Ambassador Bush. If others desire to come along, with us, fine; but in any event we will table the resolution with a speech by Ambassador Bush.
 21. Dr. Kissinger continued that it was important that we register our position. The exercise in the U.N. is likely to be an exercise in futility, inasmuch as the Soviets can be expected to veto. The U.N., itself, will in all probability do little to terminate the war. He summarized the foregoing by saying that he assumed that our resolution in the U.N. will be introduced by a speech and there will be no delay. We will go along in general terms with reference to political accommodation in East Pakistan but we will certainly not imply or suggest any specifics, such as the release of Mujib.
 22. Dr. Kissinger asked how long the Indians could delay action in the Council. Mr. De Palma said they could make long speeches or question our purpose. Mr. Van Hollen said that they would draw out as long as possible which would allow them to concentrate on the situation in East Pakistan. Mr. De Palma said that they could shilly-shally for three or four days which, Mr. Helms stated would be long enough for them to occupy East Pakistan. Mr. De Palma stated that we could always try to force a vote. Dr. Kissinger reiterated that there was no chance in getting anything useful in the U.N.
 23. Mr. De Palma suggested that in all likelihood one side or the other will veto.
 24. Concerning the matter of economic aid, Dr. Kissinger stated that the President had directed that cutoff was to be directed at India only. He indicated, however, that he wanted to read the announcement to the President so that the latter would know exactly what he might be getting into. At this point Mr. Williams asked whether some mention should be made in the statement explaining why aid for Pakistan is not being cut off. Dr. Kissinger said that information would be kept for background only.
 25. Mr. Williams said that the Department of Agriculture indicated that the price of vegetable oil was weakening in the United States; thus cutting off this P.L.-480 commodity to India could have repercussions on the domestic market. He asked, therefore, whether oil could be shipped in place of wheat. Dr. Kissinger said that he will have the answer to that by the opening of business Monday.
 26. Dr. Kissinger then asked for a brief rundown on the military situation. Admiral Zumwalt responded that he thought the Paks could hold the line in East Pakistan for approximately one or two weeks before the logistics problems became overriding. He expected the Soviets to cement their position in India and to push for permanent usage of the naval base at Visag. He anticipated that the Soviet's immediate short range objective would be to gain military advantages through their current relationship with India.
 27. Dr. Kissinger indicated that the next meeting will convene Monday morning (Dec. 6).
 /S/ H. N. Kay
 Captain, U.S.N.
 South Asia/M.A.P. Branch, J5
 Extension 72400

Memo on Dec. 6 Meeting

THE JOINT CHIEFS OF STAFF
 WASHINGTON, D. C. 20301
 6 December 1971
 MEMORANDUM FOR RECORD
 SUBJECT

Washington Special Action Group meeting on Indo-Pakistan hostilities; 6 December 1971.
 1. The N.S.C. Washington Special Action Group met in the Situation Room, the White House, at 1100, Monday, 6 December, to consider the Indo-Pakistan situation. The meeting was chaired by Dr. Kissinger.
 2. Attendees
 A. Principals:
 Dr. Henry Kissinger
 Mr. David Packard, Defense
 Ambassador U. Alexis Johnson, State
 Gen. William Westmoreland, J.C.S.
 Mr. Richard Helms, C.I.A.
 Mr. Donald MacDonald, A.I.D.
 B. Others:
 Mr. Christopher Van Hollen, State
 Mr. Samuel De Palma, State
 Mr. Bruce Lanigan, State
 Mr. Joseph Sisco, State
 Mr. Armistead Selden, Defense
 Mr. James Noyes, Defense
 Mr. John Waller, C.I.A.
 Mr. Samuel Hoskanson, N.S.C.
 Col. Richard Kennedy, N.S.C.
 Mr. Harold Saunders, N.S.C.
 Rear Adm. Robert Welander, O.J.C.S.
 Capt. Howard Kay, O.J.C.S.
 Mr. Maurice Williams, A.I.D.
 3. Summary. Discussion was devoted to the massive problems facing Bangladesh as a nation. Dr. Kissinger indicated that the problem should be studied now. The subject of possible military

aid to Pakistan is also to be examined, but on a very close hold basis. The matter of Indian redeployment from East to West was considered as was the legality of the current sea "blockade" by India.
 4. Mr. Helms opened the meeting by briefing the current situation. He stated that the Indians had recognized Bangladesh ties with India. Major fighting continued in the East but India is engaged in a holding action in the West. Mr. Helms felt that the Indians will attempt to force a decision in the East within the next 10 days. The Indians have almost total air superiority now in the East where they can employ approximately a hundred of their aircraft against Pak ground forces and logistic areas. The Indians, however, have not yet broken through on the ground in East Pakistan. Major thrust of the Indian effort in East Pakistan is in the northwest corner of the province. The airfield at Dacca is all but closed. The Indians are registering only minor gains in the Jessore area, but they claim to have taken Kamalpur. In the West, Indian activity is essentially limited to air attacks. The Paks appear to be on the offensive on the ground and have launched air strikes in Punjab. Overall, the Paks claim 61 Indian aircraft destroyed; the Indians claim 47 Pak planes. In naval action one Pak destroyer has been sunk by the Indians and another claimed sunk [sic]. The Indians also claim the sinking of one Pak submarine in eastern waters. Moscow is increasingly vocal in its support of

India and is not supporting any U.N. moves to halt the fighting. The Chinese press made its strongest attack on India this morning.
 5. Dr. Kissinger then asked for a military assessment, questioning how long the Paks might be able to hold out in the East. General Westmoreland responded that it might be as much as three weeks.
 6. Dr. Kissinger asked what is to be done with Bangladesh. Mr. Helms stated that for all practical purposes it is now an independent country, recognized by India.
 7. Ambassador Johnson suggested that the Pak armed forces now in East Pakistan could be held hostage. General Westmoreland re-enforced this by noting there was no means of evacuating West Pak forces from the east wing, particularly in view of Indian naval superiority.
 8. Dr. Kissinger stated that the next state of play will involve determining our attitude toward the state of Bangladesh.
 9. Mr. Williams referred to the one and a half million Urdu speaking (Bihari) people in East Pakistan who could also be held hostage.
 10. Dr. Kissinger asked if there had already been some massacre of these people. Mr. Williams said that he certainly thinks there will be. Dr. Kissinger asked if we could do anything, to which Mr. Williams stated that perhaps an international humanitarian effort could be launched on their behalf. Dr. Kissinger asked whether we should be calling attention to the plight of these people now. Mr. Williams said that most of these people were, in fact, centered around the rail centers; that they are urban dwellers and that some efforts on their behalf might well be started through the U.N. Dr. Kissinger suggested that this be done quickly in order to prevent a bloodbath. Mr. Sisco stated that while the U.N. cannot do anything on the ground at this time, public attention could be focused on this situation through the General Assembly.
 11. Mr. Williams referred to the 300,000 Bengalis in West Pakistan, and that they too were in some jeopardy. Mr. Sisco said that this humanitarian issue could be a very attractive one for the General Assembly and that we would begin to focus on Assembly action. Mr. MacDonald cited as a possible precedent the mass movement of population from North Vietnam in 1954.
 12. Returning to the military picture, Mr. Williams stated that he felt that the primary thrust of the Indian Army would be to interdict Chittagong and cut off any supply capability still existing for the Paks in the East. He said that he felt that the major thrust of the Indian Army in the East would be to destroy the Pak regular forces. He felt that a major job would be to restore order within the East inasmuch as it will be faced with a massacre as great as any we have faced in the 20th century.
 13. General Westmoreland suggested that the Indians would probably need three or four divisions to continue to work with the Mukti Bahini; the remainder could be pulled out to assist the Indian forces in the West.
 14. Mr. Sisco opined that the Indians would pull out most of their troops once the Paks forces are disarmed, inasmuch as the Indians will be working with a very friendly population; thus, they will turn the military efforts over to the Mukti Bahini as quickly as possible. He felt that the extent and timing of Indian withdrawal from East Pakistan would depend to a large degree on developments in the West.
 15. In response to a question, General Westmoreland stated that Indian transportation capabilities were limited from West to East, and that it would probably take at least a week to move one infantry division. It might take as much as a month to move all or most of the Indian forces from the East to the West.
 16. Mr. Sisco said that the long term presence of Indian forces in Bangladesh would have to be addressed. Mr. Van Hollen remarked that should the Indian Army remain more than two or three weeks after the situation in East Pakistan is wrapped up they would, in fact, become a Hindu army of occupation in the eyes of the Bengalis.
 17. Mr. Van Hollen raised the problem of the return of the refugees from India. Inasmuch as Bangladesh is predominantly Moslem, the return of 10 million refugees, most of whom are Hindu, would present another critical problem.
 18. General Westmoreland suggested that the Indian position in the West was not unadvantageous. He briefly discussed the order of battle in West Pakistan and suggested that the Indians were in relatively good shape. He said that he expected the major Pak effort to be toward Kashmir and the Punjab. The Indians, he felt, will be striking toward Hyderabad so as to cut the main L.O.C. to Karachi. He did not think that the Indians necessarily plan to drive all the way to Karachi. He also suggested that the current Indian move in that direction could very well be diversionary in order to force the Paks to pull reserves back from the Kashmir area.
 19. Mr. Packard asked about the P.O.L. supply situation for Pakistan. Mr. Helms said that at the present time it looked very bad. The overland L.O.C.'s from Iran, for example, were very tenuous.
 20. Mr. Williams suggested that the reason for the Indian thrust to the south was essentially political. Inasmuch as the Indians do not want to fight on the border they will have to give ground in Kashmir. In order to ward off parliamentary criticism, Mrs. Gandhi may be going for some Pak real estate in the south.
 21. Dr. Kissinger then asked about U.N. initiatives. Mr. Sisco said that we are now reviewing the situation with Ambassador Bush. Two Security Council resolutions have been vetoed by the Soviets. However, there is a groundswell building in New York for an emergency session by the General Assembly to be convened under the provisions of the "threat to peace" mechanism. The crisis could be moved into the Assembly through a simple majority vote.
 22. Dr. Kissinger and Mr. Sisco agreed that any resolution introduced into the General Assembly must retain two key elements: Cease fire and withdrawal of

military forces. Dr. Kissinger agreed that our U.N. delegation has handled the situation extremely well to date. Mr. Sisco said that although it is very likely that the crisis will be introduced in the General Assembly, we must remember that there are 136 countries represented therein and we can expect all sorts of pressure to be generated. Mr. De Palma suggested that when the resolution is introduced in the Assembly there will be a new twist, i.e., the Indians will be no longer terribly interested in political accommodation. By that time that issue will have ceased to be a problem.
 23. Mr. De Palma said that a Council meeting was scheduled for 3:30 today and at that time we could try to get the Council to let go of the issue. In order to transfer it to the Assembly, it being quite obvious that we are not going to get a cease-fire through the Security Council.
 24. Dr. Kissinger asked if we could expect the General Assembly to get the issue by the end of the day, to which Mr. De Palma replied that hopefully this will be the case.
 25. Dr. Kissinger said that we will go with essentially the same speech in the General Assembly as was made in the Security Council, but he would like something put in about refugees and the text of our resolution.
 26. Dr. Kissinger also directed that henceforth we show a certain coolness to the Indians; the Indian Ambassador is not to be treated at too high a level.
 27. Dr. Kissinger then asked about a legal position concerning the current Indian naval "blockade." Mr. Sisco stated that we have protested both incidents in which American ships have been involved. However, no formal proclamation apparently has been made in terms of a declaration of war, that it is essentially still an undeclared war, with the Indians claiming power to exercise their rights of belligerency. State would, however, prepare a paper on the legal aspects of the issue. Ambassador Johnson said that so far as he was concerned the Indians had no legal position to assert a blockade.
 28. Dr. Kissinger asked that a draft protest be drawn up. If we considered it illegal, we will make a formal diplomatic protest. Mr. Sisco said that he would prepare such a protest.
 29. Dr. Kissinger then asked whether we have the right to authorize Jordan or Saudi Arabia to transfer military equipment to Pakistan. Mr. Van Hollen stated the United States cannot permit a third country to transfer arms which we have provided them when we ourselves do not authorize sale direct to the ultimate recipient, such as Pakistan. As of last January we made a legislative decision not to sell to Pakistan. Mr. Sisco said that the Jordanians would be weakening their own position by such a transfer and would probably be grateful if we could get them off the hook. Mr. Sisco went on to say that as the Paks increasingly feel the heat we will be getting emergency requests from them.
 30. Dr. Kissinger said that the President may want to honor those requests. The matter has not been brought to Presidential attention but it is quite obvious that the President is not inclined to let the Paks be defeated. Mr. Packard then said that we should look at what could be done. Mr. Sisco agreed but said it should be done very quietly. Dr. Kissinger indicated he would like a paper by tomorrow (7 Dec.).
 31. Mr. Sisco suggested that what we are really interested in are what supplies and equipment could be made available, and the modes of delivery of this equipment. He stated that from a political point of view our efforts would have to be directed at keeping the Indians from "extinguishing" West Pakistan.
 32. Dr. Kissinger turned to the matter of aid and requested that henceforth letters of credit not be made irrevocable. Mr. Williams stated that we have suspended general economic aid, not formally committed, to India which reduces the level to \$10-million. He suggested that what we have done for Pakistan in the same category does not become contentious inasmuch as the Indians are now mobilizing all development aid for use in the war effort, whereas remaining aid for East Pakistan is essentially earmarked for fertilizer and humanitarian relief. A case can be made technically, politically and legally that there is a difference between the aid given India and that given to Pakistan.
 33. Dr. Kissinger said to make sure that when talking about cutoff of aid for India to emphasize what is cut off and not on what is being continued.
 34. Dr. Kissinger then asked about evacuation. Mr. Sisco said that the Dacca evacuation had been aborted.
 35. Dr. Kissinger inquired about a possible famine in East Pakistan. Mr. Williams said that we will not have a massive problem at this time, but by next spring this will quite likely be the case. Dr. Kissinger asked whether we will be appealed to bail out Bangladesh. Mr. Williams said that the problem would not be terribly great if we could continue to funnel 140 tons of food a month through Chittagong, but at this time nothing is moving. He further suggested that Bangladesh will need all kinds of help in the future, to which Ambassador Johnson added that Bangladesh will be an "international basket case." Dr. Kissinger said, however, it will not necessarily be our basket case. Mr. Williams said there is some going to be need of massive assistance and resettling of refugees, transfers of population and feeding the population. Dr. Kissinger suggested that we ought to start studying this problem right now.
 36. Mr. Williams suggested that the Indians had consistently requested refugee aid in cash. The Indians' return will provide the food and support for the refugees. This has provided India with a reservoir of foreign currency. Dr. Kissinger also asked that this problem be looked at by tomorrow, to determine whether we could provide commodities in lieu of cash. We do not want to cut off humanitarian aid. We would like to provide material rather than cash.
 37. The meeting was then adjourned.
 /S/ H. N. Kay
 Captain, U.S.N.
 South Asia/M.A.P. Branch, J5
 Extension 72400