Left by Mr. Banner. He gave cy to Mr.

[redacted]

P.L.
86-36

To

Declassified and approved for release by NSA on 12-20-2005 pursuant to E.O. 12958, as amended

~~TOP SECRET DINAR~~

After a diligent search this Agency has been able to identify specifically only a few communications intelligence items which conceivably could have been the basis for the statements made by Mr. Anderson in his article. I refer to the reports transmitting those North Vietnam messages which provided advance warning of the attack on the Maddox. To the best of our knowledge, the statements of Mr. Anderson are erroneous in that these messages were not intercepted by the Maddox and there was no two-hour warning as such. Because of the inaccuracies in Mr. Anderson's statements and because statements that prior to the attack the Maddox received intelligence reports were made on the floor of the U. S. Senate on August 6, ten days prior to the Anderson article, it would seem quite difficult to prove that Mr. Anderson's statements were indeed derived from the aforementioned communications intelligence items. The release of these particular items concerning the advance warning would, however, create a sensation and would undoubtedly have serious repercussions on the continued success of our SIGINT efforts against North Vietnam.

Before this case can be brought to trial, a determination will have to be made by the Attorney General that an offense has been committed and that sufficient evidence is available or can be made available to sustain a violation of 18 U.S.C. 798 or some other criminal statute. Once this has been done, this Agency can make a more realistic assessment of the consequences to SIGINT of making particular SIGINT items available for evidentiary purposes.

25 Aug

Noted

~~HANDLE VIA COMINT CHANNELS ONLY~~