

The original documents are located in Box 25, folder “Mayaguez Situation - General (1)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.



Public Law 93-118
93rd Congress, H. J. Res. 542
November 7, 1973

Joint Resolution

Concerning the war powers of Congress and the President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

War Powers
Resolution.

SHORT TITLE

SECTION 1. This joint resolution may be cited as the "War Powers Resolution".

PURPOSE AND POLICY

SEC. 2. (a) It is the purpose of this joint resolution to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.

(b) Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

USC prec.
title 1.

(c) The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

CONSULTATION

SEC. 3. The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

REPORTING

SEC. 4. (a) In the absence of a declaration of war, in any case in which United States Armed Forces are introduced—

(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

87 STAT. 555

(2) into the territory, airspace or waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces; or

87 STAT. 556

(3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation;



the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

(b) The President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

(c) Whenever United States Armed Forces are introduced into hostilities or into any situation described in subsection (a) of this section, the President shall, so long as such armed forces continue to be engaged in such hostilities or situation, report to the Congress periodically on the status of such hostilities or situation as well as on the scope and duration of such hostilities or situation, but in no event shall he report to the Congress less often than once every six months.

CONGRESSIONAL ACTION

SEC. 5. (a) Each report submitted pursuant to section 4(a)(1) shall be transmitted to the Speaker of the House of Representatives and to the President pro tempore of the Senate on the same calendar day. Each report so transmitted shall be referred to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations of the Senate for appropriate action. If, when the report is transmitted, the Congress has adjourned sine die or has adjourned for any period in excess of three calendar days, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable (or if petitioned by at least 30 percent of the membership of their respective Houses) shall jointly request the President to convene Congress in order that it may consider the report and take appropriate action pursuant to this section.

(b) Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. Such sixty-day period shall be extended for not more than an additional thirty days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.

(c) Notwithstanding subsection (b), at any time that United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or specific statutory authorization, such forces shall be removed by the President if the Congress so directs by concurrent resolution.

67 STAT. 556
67 STAT. 557



CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL.

Sec. 6. (a) Any joint resolution or bill introduced pursuant to section 5(b) at least thirty calendar days before the expiration of the sixty-day period specified in such section shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and such committee shall report on such joint resolution or bill, together with its recommendations, not later than twenty-four calendar days before the expiration of the sixty-day period specified in such section, unless such House shall otherwise determine by the yeas and nays.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out not later than fourteen calendar days before the expiration of the sixty-day period specified in section 5(b). The joint resolution or bill so reported shall become the pending business of the House in question and shall be voted on within three calendar days after it has been reported, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than four calendar days before the expiration of the sixty-day period specified in section 5(b). In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than the expiration of such sixty-day period.

CONGRESSIONAL PRIORITY PROCEDURES FOR CONCURRENT RESOLUTION.

Sec. 7. (a) Any concurrent resolution introduced pursuant to section 5(c) shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and one such concurrent resolution shall be reported out by such committee together with its recommendations within fifteen calendar days, unless such House shall otherwise determine by the yeas and nays.

(b) Any concurrent resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a concurrent resolution passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out by such committee together with its recommendations within fifteen calendar days and shall thereupon become the pending business of such House and shall be voted upon within



three calendar days, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a concurrent resolution passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such concurrent resolution within six calendar days after the legislation is referred to the committee of conference. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed. In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement.

INTERPRETATION OF JOINT RESOLUTION

Sec. 8. (a) Authority to introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances shall not be inferred—

(1) from any provision of law (whether or not in effect before the date of the enactment of this joint resolution), including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution; or

(2) from any treaty heretofore or hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of United States Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of this joint resolution.

(b) Nothing in this joint resolution shall be construed to require any further specific statutory authorization to permit members of United States Armed Forces to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of enactment of this joint resolution and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.

(c) For purposes of this joint resolution, the term "introduction of United States Armed Forces" includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities.

(d) Nothing in this joint resolution—

(1) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties; or

(2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

59 Stat. 1031.

"Introduction
of United
States Armed
Forces."



November 7, 1973

- 5 -

Pub. Law 93-148

RESEPARABILITY CLAUSE

Sec. 9. If any provision of this joint resolution or the application thereof to any person or circumstance is held invalid, the remainder of the joint resolution and the application of such provision to any other person or circumstance shall not be affected thereby.

EFFECTIVE DATE

Sec. 10. This joint resolution shall take effect on the date of its enactment.

CARL ALBERT

Speaker of the House of Representatives.

JAMES O. EASTLAND

President of the Senate pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U.S.,

November 7, 1973.

The House of Representatives having proceeded to reconsider the resolution (H. J. Res. 542) entitled "Joint resolution concerning the war powers of Congress and the President", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said resolution pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

W. PAT JENNINGS

Clerk.

I certify that this Joint Resolution originated in the House of Representatives.

W. PAT JENNINGS

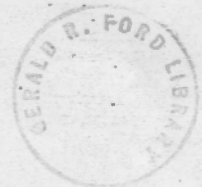
Clerk.

IN THE SENATE OF THE UNITED STATES

November 7, 1973.

The Senate having proceeded to reconsider the joint resolution (H. J. Res. 542) entitled "Joint resolution concerning the war powers of Congress and the President", returned by the President of the United States with his objections to the House of Representatives, in which it originated, it was

87 STAT. 559
87 STAT. 566



Resolved, That the said joint resolution pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

FRANCIS R. VALEO

Secretary.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-287 (Comm. on Foreign Affairs) and No. 93-547 (Comm. of Conference).

SENATE REPORT No. 93-220 accompanying S. 440 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 119 (1973):

June 25, July 18, considered and passed House.

July 18 - 20, considered and passed Senate, amended, in lieu of S. 440.

Oct. 10, Senate agreed to conference report.

Oct. 12, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 9, No. 43:

Oct. 24, vetoed; Presidential message.

CONGRESSIONAL RECORD, Vol. 119 (1973):

Nov. 7, House and Senate overrode veto.

CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL.

Sec. 6. (a) Any joint resolution or bill introduced pursuant to section 5(b) at least thirty calendar days before the expiration of the sixty-day period specified in such section shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and such committee shall report one such joint resolution or bill, together with its recommendations, not later than twenty-four calendar days before the expiration of the sixty-day period specified in such section, unless such House shall otherwise determine by the yeas and nays.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out not later than fourteen calendar days before the expiration of the sixty-day period specified in section 5(b). The joint resolution or bill so reported shall become the pending business of the House in question and shall be voted on within three calendar days after it has been reported, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than four calendar days before the expiration of the sixty-day period specified in section 5(b). In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than the expiration of such sixty-day period.

CONGRESSIONAL PRIORITY PROCEDURES FOR CONCURRENT RESOLUTION.

Sec. 7. (a) Any concurrent resolution introduced pursuant to section 5(c) shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and one such concurrent resolution shall be reported out by such committee together with its recommendations within fifteen calendar days, unless such House shall otherwise determine by the yeas and nays.

(b) Any concurrent resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a concurrent resolution passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out by such committee together with its recommendations within fifteen calendar days and shall thereupon become the pending business of such House and shall be voted upon within



I was glad to get that response because I have already heard some members in that exchange on the Floor predicting that in "this first instance" under the War Powers Act, the President was going to take liberty with the time limits.



NSC - Monday night only.

(1) Auth to maintain cover
over Mala.

(2) Warning fire to halt.

present to my at about 6:30 am ¹³ to present
movement of Malaguer into port;
US aircraft fired many shots over
bow of ship & gave visual signals to
own craft approaching ship.



REQUEST/RECEIPT FOR LDX TRANSMISSION

NMCC STATION SERIAL NUMBER

138

TIME PROCESSED AT NMCC

14 MAY 75 13 55

NMCC-LDX

ADDRESSEE: PLS
OPERATORS SIGN

FROM: _____

TOR: _____

NAME: _____

TO BE FILLED IN BY REQUESTER

FROM:

Col Finkelstein

OFFICE/DEPT

PHONE NR:

71309

TO:

WHITE HOUSE

STATE DEPT

CIA

NSA

ANMCC

Mr Philip Buchen

Counsel to the President

Mr Morton Leigh

Rm 6425

632-9598

DIA (PE

DIA (AR

DNA

NPIC (N

SPECIAL INSTRUCTIONS

CLASSIFICATION

THE WHITE HOUSE
WASHINGTON

3:00 a.m. Monday morning

7:40 " " " Pres. told

Noon: NSC

4:30: Col^{to} Chief of PRC mission
- did not accept paper

~~U.S.~~ U.S. mission office in
PRC - mid night Mon -
to Cambodian Embassy

Tues - moving crew to island

Tues 10:30 NSC

Aggressive warfare

Byrd, McClellan & Mansfield



1. The basic law governing the use of armed force between nations is the UN Charter.
2. The Charter prohibits most uses of force except self-defense against an armed attack and authorized collective measures decided upon by the Security Council.
3. The forcible seizure of a U.S. flag ship — and the firing upon it — ~~as constituted~~ by units of the Cambodian armed forces constitute an armed attack.
4. The United States is justified in taking reasonable measures of self-defense against that attack — measures designed to recover the ship and the crew, which are not disproportionate in severity to the attack.
5. The U.S. is also justified in seeking assurances that such acts will not be repeated. If we do not receive such assurances, we could take appropriate, continuing defensive measures to protect our shipping — e.g., patrolling
6. Acts of force designed to punish Cambodia — as opposed to recovery of the ship and crew — are prohibited — except as collective measures decided on by the UN Security Council.



1. The basic law governing the use of armed force between nations is the UN Charter.

2. The Charter prohibits most uses of force except self-defense against an armed attack and authorized collective measures decided upon by the Security Council.

3. The forcible seizure of a U. S. flag~~ship~~ -- and the firing upon it -- by units of the Cambodia armed forces constitute an armed attack.

4. The United States is justified in taking reasonable measures of self-defense against that attack -- measures designed to recover the ship and the crew, which are not disproportionate in severity to the attack.

5. The United States is also justified in seeking assurances that such acts will not be repeated. If we do not receive such assurances, we could take appropriate, continuing defensive measures to protect our shipping, e. g., patrolling.

6. Acts of force designed to punish Cambodia -- as opposed to recovery of the ship and crew -- are prohibited -- *no* except as collective measures decided on by the UN Security Council.



NATIONAL SECURITY COUNCIL

#2

March 3, 1975

MEMO FOR: → LES JANKA
W. R. SMYSER
W. L. STEARMAN

FROM: SVEN KRAEMER SK

SUBJECT: Cambodia Legislative
Restrictions

Re your request for a listing of the legislative restrictions operative on Cambodia, attached is a summary prepared recently by the Congressional Research Service. We obtained it today through Meg Gilson's friend in a Congressional office.

As you can see, the attached summary is quite lengthy and it includes Administration letters interpreting various legislative provisions.

Meg and I will begin tomorrow to put this data into a somewhat more manageable format. We will also try to get the actual votes by which these measures were adopted. Meanwhile, you may wish to look at what the Research Service provided.

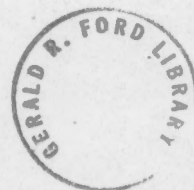
cc: Meg Gilson



**Legislation Restricting Involvement of U. S. Military Forces
in Indochina**

**Marjorie Niehaus
Analyst in International Relations
Foreign Affairs Division
Congressional Research Service**

**Robert Shuey
Analyst in Asian Affairs
Foreign Affairs Division
Congressional Research Service
January 21, 1975**



(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

Section 652

Limitation Upon Additional Assistance to Cambodia. --
 The President shall not exercise any special authority granted to him under section 505 (a), 610 (a), and 614(a) of this Act for the purpose of providing additional assistance to Cambodia, unless the President, at least thirty days prior to the date he intends to exercise any such authority on behalf of Cambodia (or ten days prior to such date if the President certifies in writing that an emergency exists requiring immediate assistance to Cambodia), notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority.

P.L. 91-668 Department of Defense Appropriations FY 1971

January 11, 1971

Section 843

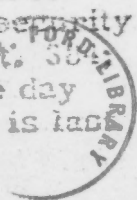
In the line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

P.L. 91-672 Foreign Military Sales Act

January 12, 1971

Section 12

The joint resolution entitled "Joint resolution to promote the maintenance of international peace and security in Southeast Asia", approved August 10, 1964 (78 Stat. 38, Public Law 88-408), is terminated effective upon the day that the second session of the Ninety-first Congress is last adjourned.



Legislation Restricting Involvement of U. S. Military Forces in Indochina

Congress has passed several laws which prohibit direct or indirect U. S. military involvement in Indochina. Most measures use the congressional power to authorize and appropriate government funds to disallow "the introduction of American ground forces" into Laos, Thailand, and Cambodia, and the introduction of advisers into Cambodia; and "combat activities by U. S. forces," "involvement of U. S. military forces in hostilities," or "military or paramilitary operations by the United States" in, over, or off the shores of Cambodia, Laos, North Vietnam, and South Vietnam. Some laws have set specific limits on the numbers of U. S. military and civilian employees that may be present in the countries of Indochina. The relevant portions of such legislation have been extracted and are presented below. Also included are the text of the War Powers Resolution and three letters from administration officials offering their interpretation of various acts.

P. L. 91-171 Department of Defense Appropriation Act, 1970

~~December 29, 1969~~

Section 643

In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

P. L. 91-652 Supplemental Foreign Assistance Authorization 1970

* January 5, 1971

Section 7

(a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia.



P.L. 92-129 Military Selective Services Act

September 28, 1971

Section 401

It is hereby declared to be the sense of Congress that the United States terminate at the earliest practicable date all military operations of the United States in Indochina, and provide for the prompt and orderly withdrawal of all United States military forces at a date certain subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

P.L. 92-156 Military Procurement Authorization FY 1972

November 17, 1971

Section 601

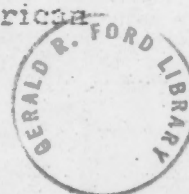
It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

P.L. 92-204 Department of Defense Appropriations FY1972

December 18, 1971

Section 742

In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.



**P.L. 92-226 Substitute Foreign Military and Related Assistance
Authorization**

* February 7, 1972

Section 656

Limitations on United States Personnel and Personnel Assisted by United States in Cambodia. -- The total number of civilian officers and employees of executive agencies of the United States Government who are citizens of the United States and of members of the Armed Forces of the United States (excluding such members while actually engaged in air operations in or over Cambodia which originate outside Cambodia) present in Cambodia at any one time shall not exceed two hundred. The United States shall not, at any time, pay in whole or in part, directly or indirectly, the compensation or allowances of more than eighty-five individuals in Cambodia who are citizens of countries other than Cambodia or the United States. For purposes of this section, "executive agency of the United States Government" means any agency, department, board, wholly or partly owned corporations, instrumentality, commission, or establishment within the executive branch of the United States Government.

P.L. 92-570 Defense Department Appropriation Act FY 1973

October 26, 1972

Section 741

In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

P.L. 93-50 Second Supplemental Appropriation Act FY 1973

July 1, 1973

Section 307

None of the funds herein appropriated under this Act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam and South Vietnam or off the shores of Cambodia, Laos, North Vietnam



and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other Act may be expended for such purpose.

P. L. 93-52 Continuing Appropriations Act FY 1974

* July 1, 1973

Section 108

Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia.

Letter from Deputy Assistant Secretary of Defense Dennis Doelin Regarding Public Laws 93-50 and 93-52

March 20, 1974

Hon. Harold E. Hughes,
U. S. Senate,
Washington, D. C.

Dear Senator Hughes: The Secretary of Defense has asked me to respond to your letter of March 13, 1974 concerning the allegation in the Washington Post of the same date that American military personnel are advising the military forces in Cambodia in violation of United States law.

Following the appearance of the Washington Post story the American Embassy in Phnom Penh was asked for an immediate and full explanation. This was received on March 14 and provided by the Secretary of State to some members of Congress who had inquired about the incident. This report is enclosed for your information.

With regard to your request for a copy of orders issued to military personnel assigned to Cambodia which implement Public Laws 93-50 and 93-52, the Department of State message which provides specific guidance concerning the duties of military personnel in Cambodia is attached. The reference contained in paragraph 2 of that message pertains to part of a separate message dispatched by the Department of Defense and is attached for your convenience:

"3. (U) The following DOD activities are prohibited in Cambodia and Laos by this statute after 14 August 73:

CRS-6

- a. Bombing, strafing, rocketing or other expenditure of ordnance.
- b. Forward Air Control Operations
- c. Armed Reconnaissance
- d. Helicopter gunship operations
- e. Comparable hostile actions by US ground and naval forces directly engaged as American units against the enemy.
- f. Activities by individual personnel in support of indigenous forces including:
 - (1) Artillery fire control and observation
 - (2) Forward air control
 - (3) Advisors to Cambodia military forces
 - (4) Combat advisors to RLG forces."

It should be noted that the prohibition against combat advisors in Cambodia was one of several restrictions imposed on US military assistance to Cambodia by the Cooper Church Amendment to the Foreign Assistance Act passed in 1971 (P.L. 91-552). The announcement by the Department of Defense of last August served in that respect only to reiterate the limitation on the activities of individual personnel which had been previously observed.

I trust the above information will be of assistance to you.

Sincerely,

Dennis J. Doolin.

P.L. 93-118 Continuing Appropriations FY 1974

October 4, 1973

Amended and extended P. L. 93-52.

P.L. 93-124 Continuing Appropriations FY 1974

October 16, 1973

Amended and extended P. L. 93-52

P.L. 93-126 Department of State Appropriations Authorization Act
1973

October 18, 1973

Section 13

Notwithstanding any other provision of law, on or after August 15, 1973, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from



off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress.

P. L. 93-148 War Powers Resolution

November 7, 1973

SHORT TITLE

SECTION 1. This joint resolution may be cited as the "War Powers Resolution".

PURPOSE AND POLICY

Sec. 2. (a) It is the purpose of this joint resolution of fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.

(b) Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

(c) The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

CONSULTATION

Sec. 3. The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

(1113)



REPORTING

SEC. 4. (a) In the absence of a declaration of war, in any case in which United States Armed Forces are introduced—

(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

(2) into the territory, airspace or waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces; or

(3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation;

the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

(b) The President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

(c) Whenever United States Armed Forces are introduced into hostilities or into any situation described in subsection (a) of this section, the President shall, so long as such armed forces continue to be engaged in such hostilities or situation, report to the Congress periodically on the status of such hostilities or situation as well as on the scope and duration of such hostilities or situation, but in no event shall he report to the Congress less often than once every six months.

CONGRESSIONAL ACTION

Sec. 5. (a) Each report submitted pursuant to section 4(a)(1) shall be transmitted to the Speaker of the House of Representatives and to the President pro tempore of the Senate on the same calendar day. Each report so transmitted shall be referred to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations of the Senate for appropriate action. If, when the report is transmitted, the Congress has adjourned sine die or has adjourned for any period in excess of three calendar days, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable (or if petitioned by at least 20 percent of the membership of their respective Houses) shall jointly request the President to convene Congress in order that it may consider the report and take appropriate action pursuant to this section.

(b) Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed



Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. Such sixty-day period shall be extended for not more than an additional thirty days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.

(c) Notwithstanding subsection (b), at any time that United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or specific statutory authorization, such forces shall be removed by the President if the Congress so directs by concurrent resolution.

CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL

Sec. 6. (a) Any joint resolution or bill introduced pursuant to section 5(b) at least thirty calendar days before the expiration of the sixty-day period specified in such section shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and such committee shall report one such joint resolution or bill, together with its recommendations, not later than twenty-four calendar days before the expiration of the sixty-day period specified in such section, unless such House shall otherwise determine by the yeas and nays.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out not later than fourteen calendar days before the expiration of the sixty-day period specified in section 5(b). The joint resolution or bill so reported shall become the pending business of the House in question and shall be voted on within three calendar days after it has been reported, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than four calendar days before the expiration of the sixty-day period specified in section 5(b). In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than the expiration of such sixty-day period.



CONGRESSIONAL PRIORITY PROCEDURES FOR CONCURRENT RESOLUTIONS

Sec. 7. (a) Any concurrent resolution introduced pursuant to section 5(c) shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and one such concurrent resolution shall be reported out by such committee together with its recommendations within fifteen calendar days, unless such House shall otherwise determine by the yeas and nays.

(b) Any concurrent resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a concurrent resolution passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out by such committee together with its recommendations within fifteen calendar days and shall thereupon become the pending business of such House and shall be voted upon within three calendar days, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a concurrent resolution passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such concurrent resolution within six calendar days after the legislation is referred to the committee of conference. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed. In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement.

INTERPRETATION OF JOINT RESOLUTION

Sec. 8. (a) Authority to introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances shall not be inferred --

(1) from any provision of law (whether or not in effect before the date of the enactment of this joint resolution), including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution; or

(2) from any treaty heretofore or hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of United States Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of this joint resolution.



(b) Nothing in this joint resolution shall be construed to require any further specific statutory authorization to permit members of United States Armed Forces to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of enactment of this joint resolution and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.

(c) For purposes of this joint resolution, the term "introduction of United States Armed Forces" includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities.

(d) Nothing in this joint resolution—

(1) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties; or

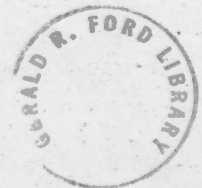
(2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

SEPARABILITY CLAUSE

SEC. 9. If any provision of this joint resolution or the application thereof to any person or circumstance is held invalid, the remainder of the joint resolution and the application of such provision to any other person or circumstance shall not be affected thereby.

EFFECTIVE DATE

SEC. 10. This joint resolution shall take effect on the date of its enactment.



Letter from Assistant Secretary of State Marshall Wright to Senator
Thomas F. Eagleton Regarding War Powers Resolution

November 30, 1973

Dear Senator Eagleton: Secretary Kissinger has asked me to respond to your letter of November 9, 1973 concerning the War Powers Resolution, H. J. Res. 542. The Department is currently reviewing with other appropriate Executive Branch agencies the implications of that joint resolution and although we have not yet decided what changes in Executive Branch procedures might be required, we will be pleased to inform you of any such decisions when they are made.

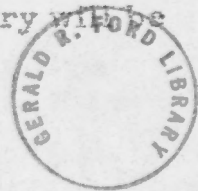
I can respond now, however, to your particular question about Section 2 (c) of the Resolution. It is the Department's opinion that Section 2 (c) does not constitute a legally binding definition of the President's Constitutional power as Commander-in-Chief. It is our opinion that this subsection is at most a declaratory statement of policy. The title and language of the entire Section, "Purpose and Policy," support this reading as does the text of the subsection itself. Section 2 does not contain language which requires or prohibits any particular action, which is characteristic of mandatory and binding provisions. In addition, the report of the House and Senate conferees itself states that "Subsequent sections of the joint resolution are not dependent upon the language of this subsection, as was the case with a similar provision of the Senate bill (section 3)." If Section 2(c) were a binding definition, it presumably would govern the rest of the resolution, as would have Section 3 of the Senate bill, S. 440.

There are, of course, fundamental questions whether such legislation could, even if so intended, limit the Constitutional authority of the President. Certainly the precedent of past practice supports a wider scope of Presidential authority than that contained in Section 2(c).

I hope this is responsive to your particular question on that section; our replies on the other points of your inquiry will be forthcoming as soon as possible.

Sincerely,

Marshall Wright,
Assistant Secretary for
Congressional Relations.



P.L. 93-155 Military Procurement Authorization Act FY 1974

November 16, 1973

Section 806

Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress.

P.L. 93-189 Foreign Assistance Act of 1973

December 17, 1973

Section 30

No funds authorized or appropriated under this or any other law may be expended to finance military or paramilitary operations by the United States in or over Vietnam, Laos, or Cambodia.

P.L. 93-233 Department of Defense Appropriation Act FY 1974

January 2, 1974

Section 741

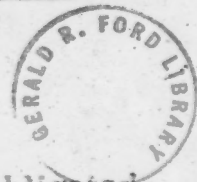
None of the funds herein appropriated may be obligated or expended after August 15, 1973, to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

P.L. 93-305 Second Supplemental Appropriation Act FY 1974

June 8, 1974

Section 405

None of the funds herein appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.



P.L. 93-324 Continuing Appropriation Act FY 1975

June 30, 1974

Section 110

None of the funds herein made available shall be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

P.L. 93-437 Department of Defense Appropriation Act FY 1975

October 8, 1974

Section 839

None of the funds herein appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

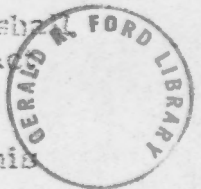
P.L. 93-559 Foreign Assistance Act of 1974

December 30, 1974

Section 38

(f) (1) Effective six months after the date of enactment of this section, the total number of civilian officers and employees, including contract employees, of executive agencies of the United States Government who are citizens of the United States and of members of the Armed Forces of the United States present in South Vietnam shall not at any one time exceed four thousand, not more than two thousand five hundred of whom shall be members of such armed forces and direct hire and contract employees of the Department of Defense. Effective one year after the date of enactment of this section, such total number shall not exceed at any one time three thousand, not more than one thousand five hundred of whom shall be members of such armed forces and direct hire and contract employees of the Department of Defense.

(2) Effective six months after the date of enactment of this section, the United States shall not, at any one time, pay in whole or in part, directly or indirectly, the compensation or allowances of more than eight hundred individuals in South



Vietnam who are citizens of countries other than South Vietnam or the United States. Effective one year after the date of enactment of this section, the total number of individuals whose compensation or allowance is so paid shall not exceed at any one time five hundred.



(3) For purposes of this subsection, "executive agency of the United States Government" means any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment within the executive branch of the United States Government.

(4) This subsection shall not be construed to apply with respect to any individual in South Vietnam who (A) is an employee or volunteer worker of a voluntary private, nonprofit relief organization or is an employee or volunteer worker of the International Committee of the Red Cross, and (B) engages only in activities providing humanitarian assistance in South Vietnam.

(g) This section shall not be construed as a commitment by the United States to South Vietnam for its defense.

LIMITATIONS WITH RESPECT TO CAMBODIA

Sec. 39. (a) Section 655 of the Foreign Assistance Act of 1961 is amended as follows:

(1) by striking out "\$311,000,000" in subsection (a) and inserting "\$377,000,000" in lieu thereof.

(2) by striking out "1975" in subsection (a) and inserting "1976. Of that sum, there shall be available no more than \$200,000,000 for military assistance. In addition to such \$377,000,000, defense articles and services may be ordered under section 506 of this Act for Cambodia in an amount not to exceed \$76,000,000 in fiscal year 1976." in lieu thereof.

(3) by striking out "\$311,000,000" in subsection (b) and inserting "\$377,000,000" in lieu thereof.

(4) by striking out "1972" in subsection (b) and inserting "1975" in lieu thereof.

(b) Section 656 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following sentence: "This section shall not be construed to apply with respect to any individual in Cambodia who (A) is an employee or volunteer worker of a voluntary private, nonprofit relief organization or is an employee or volunteer worker of the International Committee of the Red Cross, and (B) engages only in activities providing humanitarian assistance in Cambodia."

(c) The \$100,000,000 made available in accordance with section 36(a)(2) of this Act shall be allocated as follows:

- (1) \$20,000,000 for humanitarian assistance;
- (2) \$63,000,000 for commodity import assistance;
- (3) \$15,000,000 for multilateral stabilization assistance; and
- (4) \$2,000,000 for technical support and participant training.

(d) No funds made available in accordance with section 36(a)(2) may be transferred to, or consolidated with, the funds allocated for military assistance to Cambodia under section 655(a) of the Foreign Assistance Act of 1961, nor may more than 20 per centum of the funds made available under any paragraph of subsection (c) of this section be transferred to, or consolidated with, the funds made available under any other such paragraph.

(e) No funds may be obligated for any of the purposes described in section 655(a) of the Foreign Assistance Act of 1961 in, to, for, or on behalf of Cambodia in any fiscal year beginning after June 30, 1975, unless such funds have been specifically authorized by law enacted after the date of enactment of this section. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated for any such purpose during such

(f) This section shall not be construed as a commitment by the United States to Cambodia for its defense.

LIMITATIONS WITH RESPECT TO LAOS

Sec. 40. (a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other law may be obligated in any amount in excess of \$70,000,000 during the fiscal year ending June 30, 1975, for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Laos. Of that amount, there shall be available--

- (1) \$30,000,000 for military assistance; and
- (2) \$40,000,000 only for economic assistance, of which there shall be available --
 - (A) \$11,000,000 for humanitarian assistance;
 - (B) \$6,500,000 for reconstruction and development assistance;
 - (C) \$16,100,000 for stabilization assistance; and
 - (D) \$6,400,000 for technical support.

(b) No funds made available under paragraph (2) of subsection (a) of this section may be transferred to, or consolidated with, the funds made available under paragraph (1) of such subsection, nor may more than 20 per centum of the funds made available under any subparagraph of paragraph (2) be transferred to, or consolidated with, the funds made available under any other such subparagraph.

(c) In computing the limitations on obligation authority under subsection (a) of this section with respect to such fiscal year, there shall be included in the computation the value of any goods, supplies, materials, equipment, services, personnel, or advisers provided, to, for, or on behalf of Laos in such fiscal year by gift, donation, loan, lease or otherwise. For the purpose of this subsection, "value" means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Laos but in no case less than 33 1/3 per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

(d) No funds may be obligated for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Laos in any fiscal year beginning after June 30, 1975, unless such funds have been specifically authorized by law enacted after the date of enactment of this section. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated for any such purpose during such fiscal year.

(e) After the date of enactment of this section, whenever any request is made to the Congress for the appropriation of funds for use in, to, for, or on behalf of Laos, for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year beginning with the fiscal year which begins July 1, 1974, a written report showing the total amount of funds obligated in, to, for, or on behalf of Laos during the preceding quarter by the United States Government and shall include in such report a general breakdown of the total amount obligated, describing the different purposes for which such funds were obligated and the total amount obligated for such purpose.

ive of the States ment.

100-

2415.

2416.

tion. 2415

ctions. 2415

2415

nn 57 22 ts note

note

Val

Repe Cong

Prope Cong

~~TOP SECRET~~MR 89-15, #1 NSC *lty*, 11/21/89By *KBH*, NARA, Date *3/23/90*POSSIBLE SCENARIOS FOR RECOVERY OF SHIP AND CREW

The Mayaguez is currently at anchor off the small island of Kaoh Tang approximately 25 miles south of Kompong Som. US air cover is overhead. There is evidence that some or all of the Americans have been taken ashore to the island in small boats. The apparent removal of the crew from the ship complicates the problem. It also means that until US ships arrive in the area, the Mayaguez crew could be transported to Cambodia proper under cover of darkness.

Timing considerations. The earliest feasible action is desirable to help forestall the scuttling of the Mayaguez, the removal of the American crew from Kaoh Tang, a decision by the KC to kill the crew, or time for the Cambodian authorities in Phnom Penh to consider and order any other alteration of the situation to our disadvantage. On the other hand, some delay (until, say, May 16) offers opportunity for assembling ample US forces, improving the prospects of military success, and permitting the diplomatic process to be completed. It may also serve to awe the Cambodians on the island and get their peaceful acquiescence in the return of the ship and crew.

SCENARIO I. Seize Mayaguez at Earliest Feasible Opportunity.

The earliest feasible opportunity for boarding and seizing the ship would be the morning of 14 May, when the USS Holt is scheduled to arrive in the area. If additional force were desired, the ship seizure could be delayed until arrival of the Coral Sea late afternoon of 15 May.

If more immediate action to seize the ship were deemed essential (e.g., if the Mayaguez gets underway to depart Kaoh Tang), a helicopter-borne assault on the Mayaguez could be launched during the day of 14 May. The helicopter-borne assault is more dangerous because of possible opposition and lack of surface support and extraction capability.

Advantages

- Surprise assault on the Mayaguez should be successful and recover the ship quickly and efficiently. We would have at least obtained something back.
- A show of force targeted on the ship may convince the Cambodians of our seriousness and lead to a peaceful return of the remaining crew on the island.

Disadvantages

- It puts our initial effort on the Mayaguez, which we could probably obtain at any time, rather than on the crew.
- It alerts the Cambodians on Kaoh Tang who hold the American crew, putting the crew at risk as objects of retaliation.

~~TOP SECRET~~

~~TOP SECRET~~

2.

- It requires moving before our diplomatic remedies are exhausted and may be considered imprudent -- particularly if lives are lost.

SCENARIO II. Seize Kaoh Tang Island at Earliest Feasible Opportunity

This scenario would commence at first light on 15 May when the USS Holt is on the scene and the Marine BLT from Thailand is available. Preceding the landing, the KC on the island should be propagandized to peacefully release the American crew. The propaganda media should include bullhorns in the hands of Cambodians on the Holt, leaflets dropped on the island, and US intrusion in the KC communications network by Cambodian linguists. If our requests were ignored, the island would be seized and the American crewmen recovered. Once the island was secured, the Mayaguez would then be boarded, using the Holt crew, and towed to a safe haven.

Advantages

- This course of action moves directly toward recovering the American crew.
- If carried out rapidly and efficiently, it offers the Cambodians less opportunity than scenario I to act against the crew or counter the attackers.
- The follow-on ship boarding should present no more problems than in scenario I.

Disadvantages

- There is a possibility that some American crewmen are on the Mayaguez and the attack on the island might incite reprisals against them.
- The Mayaguez might be scuttled.
- If the alternative were carried out before diplomatic remedies were exhausted, it might be considered an imprudent act -- particularly if lives were lost.
- The American crew might not be on Kaoh Tang.

SCENARIO III. Coordinated Assault at First Light, 16 May.

This scenario would permit the marshalling of ample military force on the scene to simultaneously seize the island and recover the Mayaguez. Not only the Holt, but the Coral Sea task group would now be present. Helicopter-borne assault operations could be conducted from the deck of the Coral Sea.

This operation would also be given additional time for the working of the diplomatic process. Four days would have elapsed since seizure of the Mayaguez, and fully 48 hours would have passed since the KC had received our diplomatic communication through the PRC.

~~TOP SECRET~~

~~TOP SECRET~~

3.

Advantages

- The ample US forces on the scene should enhance the prospects of quick success and minimize the loss of life. They would also be an impressive show of force to the Cambodians.
- Operation would carry lower military risks.

Disadvantages

- This course would sacrifice any element of immediate or surprising military action.
- The KC would have ample time to put forward preconditions for the return of the ship and/or crew, or publicly rationalize the seizure and attempt to justify their stance.

The following add-on military attack options, which involve only the use of air power, are available:

SCENARIO IVa. Bomb Cambodian Warships Involved in Mayaguez Operation.

On 14 May, we would publicly announce and privately advise through diplomatic channels that, unless the ship and crew were freed within 24 hours, we would undertake concentrated aerial attacks against all Cambodian warships involved in the seizure of the Mayaguez and those capable of deterring her intended release.

Advantages

- The Khmer Government might acquiesce.
- There would be small additional risk to US military assets.

Disadvantages

- The new Khmer Government is not likely to accede to a threat. They would probably perceive that they had been backed into a corner without a graceful exit left for them. A likely response would be their counter-threat to execute crew members if we carried through with the bombing threat.
- This action could be perceived as over-reaction.

~~TOP SECRET~~

~~TOP SECRET~~

4.

- May incur both crew and military casualties with nothing to show for our efforts.

SCENARIO IVb. Bomb Additional Targets of Military Significance In Cambodia.

This option could be executed with or without prior warning, or as follow-on action to the bombing of warships directly associated with the seizure of the vessel. If it were desirable to indicate an escalating scale of violence, this option could be threatened after the bombing of the warships in scenario IVa. However, to achieve maximum effectiveness, this option should be executed after waiting a reasonable period of time (not to exceed 24 hours) after the bombing of the targets selected in scenario IVa and without any additional advance warning. One problem with this scenario is the paucity of useful military targets.

Advantages

- The advantage of this option is that the actual bombing of Cambodian territory with or without advance warning may convince the Cambodian Government of our resolve.
- Would serve as a potent warning to other would-be aggressors.

Disadvantages

- It is unlikely that bombing would have a significant impact because the Khmer leadership are used to an intense level of bombing. In addition there is every indication that bombing has minimum impact on an agrarian society which is under extensive political control.
- The Khmer leadership will perceive that they have been backed into a corner by an attack on their national sovereignty. They will have no graceful way to extricate themselves and would likely respond by executing the American crew.
- Would probably generate strong public hostility in the US.
- Is of questionable legality.

~~TOP SECRET~~

~~TOP SECRET~~

1. Present Status (as of 2115 EDT)
2. Status of Forces
3. Actions to Prevent Ship from Moving Towards Port
4. Options to Seize Island
5. Simultaneous Possibilities

~~TOP SECRET~~

1. Present Situation

MAYAGUEZ is anchored about 2 miles off Kaoh Tang Island. Stack is cold and indication is that Americans are not aboard. Five small boats have been in area: 2 Fast Patrol Craft (50 feet long, with three 50 cal and one 81mm-this type boat reportedly captured our ship); one River Patrol Boat (32 feet long with three 50 cal and one 40mm grenade launcher; one 60 foot unknown type and one 70 foot unknown type. Latter two have been called tugboats. US Forces on scene have been directed to prevent egress or ingress of all Cambodian craft from or to Kaoh Tang Island. Three boats attempted to leave at 2005 EDT. These craft were attacked with riot control agent (CS) dropped from A-7 aircraft. Two of the boats were stopped for a brief period. The other proceeded on course away from the island. Boat was taken under attack at 2015 EDT. Former Cambodian officer reports that 18-20 friendly military personnel were on island on 17 April plus a few civilians and families temporary in a small village. Intelligence estimates on KC infantry company (about 100) on island now reinforced with heavy weapons. Weaponry most likely includes one 82mm mortar, one 75mm recoilless rifle, plus machine guns and rocket launchers. Island about 3 1/2 miles long by nearly two miles wide; however, beaches on east of island. Deep water close to island. Tide one meter.

2. Status of US Forces

Thailand: 12 large helicopters and 120 marines ready at Utapao. 1200 marines enroute from Okinawa by air - ETAs for Utapao from 2300 EDT tonight to 0100 EDT tomorrow morning.

17 B-52s plus large number of tactical aircraft.

USS CORAL SEA (CVA) and three other ships enroute to area ETA 0300 EDT on 15 May. (Other ships are 3 destroyer types and an oiler).

USS HOLT (DE) enroute to area. ETA now 1230 EDT on 14 May. (Slower than planned due to 21 knots over ground versus 25 knots predicted).

Enroute from Subic:

Carrier (CVA) HANCOCK (w/2 USMC companies and helo squadron aboard). ETA in area now 0400 EDT on 16 May accompanied by three Destroyer Escorts (DE) and a Landing Ship Dock (LSD).

At Subic:

LPD DULUTH (Amphib Transport). Ready to deploy to area 1800 EDT on 14 May.
LST BARBOUR COUNTY (Landing Ship Tank). Ready to deploy to area 0900 EDT on 14 May.

Enroute to Subic:

LPH OKINAWA (Amphibious Assault Ship) with 2 USMC companies and helo squadron aboard. Estimate ready to deploy from Subic to area 0500 EDT on 15 May.

Wilson (D) arrive 17:50

3. ACTIONS TO PREVENT SHIP FROM MOVING TOWARDS PORT

Possible actions: Use riot control agents.
If being towed, destroy tug.
If under own power, damage steering
Seize: If before HOLT arrives, use helicopters
After HOLT arrives, board.

Riot Control Agents: 5 fighters loaded with RCA bomblets,
non-lethal, non-toxic, incapacitating.
Recovery occurs 5-9 minutes after
removal of agent.
Bomblets must hit on ship - delivery 100-500'
Winds 10KTS - fairly rapid dispersal.
Good probability of temporary incapacitation
but backup disabling method required.

Destroy Tug: Very small tugboat available (60' to 70') questionable
capability to handle.
AC-130 destroy with 20/40 or 105 mm cannon.
USN ship gunfire if in area.

Damage Steering: AC-130 use 20/40 or 105 mm cannon.
Aim at stern from beam - above waterline.
Use 40 mm first, then 105 if required.
Good chance at disabling.
Some possibility of sinking, especially
with 105 mm.

Seize by Helicopter: Helicopters from U-Tapao, Thailand.
Up to 120 Marines available.
Force ready at any time.
Cannot land -- must hover.
Risk of casualties if opposed.

Board from HOLT: Deck heights about equal.
(ETA 141230 ETD) Preferable if Marines moved aboard.
Cambodian linguist and hover could be used.
Less risk of casualties if opposed.

4. OPTIONS TO SEIZE ISLAND

It is estimated that it may take approximately 1000 Marines to secure island. With high confidence could be considerably less but intelligence information quite sketchy. Biggest limiting factor is availability of large helicopters (12 available).

Three basic options possible: A. Entire operation from U-Tapao at next sunrise in Cambodia (1845 EDT Wednesday night); B. Wait for CORAL SEA and run joint U-Tapao/CORAL SEA operation late afternoon in Cambodia (0400+EDT Thursday morning) and C. Joint operations sunrise Friday in Cambodia (1845EDT Thursday).

Option A - From U-Tapao 1845EDT Wednesday

Is feasible and provides early execution with full daylight available but has serious disadvantage of slow insertion (270 men per wave at 4+ hour intervals). US MAYAGUEZ could be seized by USS HOLT but without Marines being available.

Option B - From U-Tapao and CORAL SEA 0400+EDT Thursday

Has advantage of large amount of fire power in area and joint use of launch area. Slightly higher insertion rate but could be seriously constrained by short time to darkness. Any delays could compound problem. USS HOLT could seize MAYAGUEZ.

Option C - From U-Tapao and CORAL SEA 1845EDT Thursday

Also has advantages of large amount of fire power in area, and joint use of launch area plus high insertion rate. Sufficient daylight to handle delays and to allow move out and search for Americans. USS HOLT could seize MAYAGUEZ with Marines. Disadvantage is delayed execution.

~~TOP SECRET~~

5. SIMULTANEOUS ACTIONS OF A PUNITIVE NATURE

In addition to seizing island, sinking Cambodian boats in the area, and boarding the USS MAYAGUEZ at the proper time, other actions could be taken, including:

A. Bombing of Kompong Som by B-52s out of Guam or Thailand or tactical fighters from Thailand or from USS CORAL SEA if not fully used in seizing island.

B. Mining of entrance to Kompong Som harbor. Mines can be set to self-destruct from 13 to 17 days or out to a maximum of 180 days. Mining could be accomplished by B-52s or from carrier.

~~TOP SECRET~~

NEWS

Ford Orders 150 Marines to Thailand; 1,000 on Alert

President Ford Tuesday ordered 150 Marines to Thailand and placed 1,000 Marines on alert, within a few hours' flight from Thailand, as a show of force in an effort to obtain release of the U.S. merchant ship Mayaguez and its 39 crewmen.

(ABC reported, however, that so far, no Marines have been sent to Thailand because of the sensitivity of the relations between the U.S. and the Thai government.)

The U. S. aircraft carrier Coral Sea and other ships were heading toward the Gulf of Siam Tuesday, and more American ships from the Philippines, possibly including two carriers, were reported moving toward the area, Charles Quinn (NBC) said. Details of the movements and precise locations of the ships were not disclosed by the Pentagon, NBC/CBS said.

"As for now, the Defense Department is in a holding pattern to give diplomacy a chance to work," said Frank Tomlinson (ABC). "But plans are being made should diplomacy fail." -- AP; UPI; Networks (5/13/75)

Ford Demands Immediate Release of Ship

President Ford Tuesday demanded the immediate release of a U.S. merchant marine ship seized by Cambodia, but said he would consult with Congress before he would order any new military action in Indochina.

The President met Tuesday with the National Security Council, and called another meeting for 10:30 p.m. ABC said the meeting was "presumably to discuss military options to consider if diplomatic channels fail." NBC said Secretary Kissinger did not return from an out-of-town trip for the first meeting. But the later meeting was timed for his return from Kansas City, Press Secretary Nessen said.

"America's position is reliably understood to be an extremely firm one -- no compromise, no deals," said Ted Koppel (ABC). "The United States wants its ship and its personnel back, and there will be no American admissions of error, as in the Pueblo case, to bring about the release."



"For now the President has ordered no military response," said Tom Jarriel (ABC). But "a hint that action is contemplated came when the President took the arm of a friend from Congress leaving a meeting today, and said, 'I've got a tough decision to make on the ship.' "

Tom Brokaw (NBC) said the mood at the White House Tuesday was described as business-like, serious, but not a crisis atmosphere. Brokaw said the President received five separate intelligence briefings between 10:30 Monday night and 8:00 Tuesday morning. Ford spent most of his free time Tuesday on the incident.

Phil Jones (CBS) reported that Nessen said if the President does decide to use military force, he will abide by the War Powers Act and consult Congress in advance. -- AP; UPI; Networks (5/13/75)

Kissinger Says Ford Has Power To Take Military Action To Recover Ship

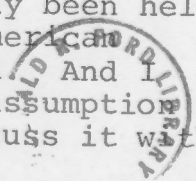
Secretary Kissinger said Tuesday that President Ford has certain inherent powers to take military action to recover the American ship seized by Cambodia, and suggested that Congressional approval would not be needed, but Congress would be advised of any action taken.

Kissinger "persistently refuses to spell out or rule out military action," Ted Koppel (ABC) said.

Asked whether the ship had a military cargo, Kissinger (on ABC film) said: "I have not seen the manifest. What I do know is that the highest officials of the government, when they learned of this, were dealing with this as a merchant ship, finding out information from the company to which it belongs. And therefore, we are dealing with it as the seizure of an American merchant ship on a peaceful trade in international waters."

Pressed on his statement about the President's powers, he said (on ABC film): "I didn't say he would pursue them without Congressional approval, but he has certain inherent powers to protect American lives and American property." "But it would be done in close consultation -- whatever would be considered would be done in close consultation with the Congress."

Kissinger (on CBS film) said: "It has generally been held that the President has inherent powers to protect American lives and American property when they are threatened. And I believe that the President is operating under this assumption today. Of course, before any steps are taken, we would discuss it with the leaders of the countries..."



Chris Kelley (CBS) reported that later, at a news conference Kissinger took a hard line approach. Kissinger (on CBS film) said "The U.S. Will not accept harassment of its ships on the international sealanes." -- AP; UPI; ABC; CBS (5/13/75)

Byrd Urges Deadline for Return of Mayaguez

Assistant Senate Majority Leader Robert Byrd (D., W.Va.) said (on CBS film) that President Ford should set a 48-hour deadline for the release of the Mayaguez. If the deadline is not met, whatever action necessary to retrieve the Mayaguez, including military force, should be used -- UPI; ABC; CBS (5/13/75)

Navy Plane Tracking Merchant Ship Hit by Gunfire

A U.S. Navy P-3 reconnaissance plane tracking the merchant ship Mayaguez, seized by a Cambodian gunboat, was fired at by small arms fire and hit in one wing, while flying low passes over the Mayaguez and the Cambodian gunboat, the White House confirmed Tuesday.

The networks reported that no one was injured. The plane returned to Utapao, Thailand. -- AP; UPI; Networks (5/13/75)

U.S. Warns Mariners in Gulf of Siam

The U.S. has issued a warning to all mariners in the Gulf of Siam to stay outside the territorial waters of Cambodia and Vietnam following the seizure of the Mayaguez, White House Press Secretary Nessen said Tuesday.

Tom Brokaw (NBC) said there was no ready explanation for the apparent intelligence failure in the area where the ship was seized. White House spokesman confirmed that a South Korean freighter was fired upon there ten days ago, and that last week a Panamanian ship was detained briefly in the same area. Nessen said he had no precise answer as to why American ships were not subsequently warned, Brokaw reported. -- UPI; ABC; NBC (5/13/75)

Mayaguez Said to Be Moving

The captured U.S. merchant ship Mayaguez has begun to move, but it was unclear whether the ship has been released, Pentagon sources said Tuesday.



The fate of the ship was in doubt "because the White House either would not or could not explain their whereabouts," and Press Secretary Nessen said he was not able to talk about it, ABC reported.

Overnight the ship was located by reconnaissance aircraft off the island of Kah Tang, 30 miles from the Cambodian shore, ABC said -- AP; ABC; NBC; CBS (5/13/75)

U.S. Still Doesn't Know Why Cambodia Seized Ship

The U.S. government still does not know why the U.S. merchant marine ship Mayaguez was seized by Cambodia, Richard Valeriani (NBC) reported.

Valeriani says messages have gone to the Cambodians through Peking that the American government wants the ship back and won't give the Cambodians anything in exchange for it. Negotiations have been ruled out.

NBC noted that in the day and a half since the ship was seized, the new government of Cambodia has said not one word in public about the incident. -- NBC (5/13/75)

Thai Government Reluctant to Accept U.S. Marines

Prime Minister Kukrit Pramoj said that Thailand will not permit the U.S. to use Thai air bases for military action against Cambodia including any armed attempt to secure the return of the American merchant ship, AP/CBS reported.

"We will not allow the American troops to use our soil for any war. We have enough trouble with Asian neighbors now," Kukrit said.

The Thai Ambassador to Washington, Anand Panyrachun, "reflected uncertainty" Tuesday about what to do if asked to accept U.S. Marines standing by to help retrieve the Mayaguez, ABC reported.

"I do not know what my government is going to do," the Ambassador said (on ABC film). "But on the basis of the stated policy in the last few months, I doubt whether that will be agreeable to the Thai government. "



THE WHITE HOUSE

WASHINGTON

*Approved R.H.*SECRET

MEMORANDUM FOR: THE PRESIDENT

FROM: HENRY A. KISSINGER *B*

SUBJECT: Use of Riot Control Agents in Recovering
the Mayaguez and Its Crew

DOD has indicated that any military effort to recover the S.S. Mayaguez and its crew might be facilitated by the use of riot control agents (RCA). Such use could reduce casualties and in some situations obviate the necessity of greater, including lethal, force.

Under Executive Order 11850 (Tab B), the first use in war of RCAs is precluded except in defensive military modes to save lives, inter alia, "in rescue missions, in remotely isolated areas, of downed airmen and passengers, and escaping prisoners". The legislative history connected with the Senate ratification of the Geneva Protocol makes clear that we also hold open possible use in situations analogous to those described in the Executive Order. The recovery of the Mayaguez and its crew is so analogous.

Those uses of RCAs allowed by the Executive Order require your authorization in advance. Such authorization was given for the emergency evacuation operation in Vietnam (Tab C).

RECOMMENDATION:

That you sign the order at Tab A authorizing the use of riot control agents to save lives in the event of a military effort to recover the S.S. Mayaguez and its crew and passengers.

DECLASSIFIED
E.O. 12356, Sec. 3.4.

NR 92-49, #4 NSC 1st. 4/20/95
By *143H*, NARA, Date *5/23/95*

SECRET/GDS

THE WHITE HOUSE
WASHINGTON

SECRET

MEMORANDUM FOR

THE SECRETARY OF DEFENSE

SUBJECT: Use of Riot Control Agents in Efforts to Recover
the S.S. Mayaguez and Its Crew and Passengers

Pursuant to Executive Order 11850, U.S. forces are authorized to use riot control agents to save lives in the event an operation is approved to recover the S.S. Mayaguez and its crew and passengers from the waters off Cambodia.

cc: The Secretary of State

DECLASSIFIED

E.O. 12356, Sec. 3.4.

MR 92-48, FS NSC Dir. 4/29/95

By 1694 NARA, Date 5/23/95

SECRET/GDS

THE WHITE HOUSE
WASHINGTON

April 17, 1975

SECRET

MEMORANDUM FOR

THE SECRETARY OF DEFENSE

SUBJECT: Use of Riot Control Agents in the Republic of Vietnam

Pursuant to the provisions of Executive Order 11850, your request of April 4, 1975 for authority for the use of riot control agents chlorobenzylidenemalononitrile (CS) and chloracetophenone (CN) by U.S. forces in the Republic of Vietnam in situations requiring crowd dispersal during any emergency evacuation operation is approved.

Ronald R. Felt

cc: The Secretary of State

DECLASSIFIED
E.O. 12356, Sec. 3.4.
NR 92-48, #6 NSC Ltr. 4/28/95
By KBH NARA, Date 5/23/95

SECRET

Office of the White House Press Secretary

THE WHITE HOUSE

EXECUTIVE ORDER

RENUNCIATION OF CERTAIN USES IN WAR OF CHEMICAL
HERBICIDES AND RIOT CONTROL AGENTS

The United States renounces, as a matter of national policy, first use of herbicides in war except use, under regulations applicable to their domestic use, for control of vegetation within U.S. bases and installations or around their immediate defensive perimeters, and first use of riot control agents in war except in defensive military modes to save lives such as:

(a) Use of riot control agents in riot control situations in areas under direct and distinct U.S. military control, to include controlling rioting prisoners of war.

(b) Use of riot control agents in situations in which civilians are used to mask or screen attacks and civilian casualties can be reduced or avoided.

(c) Use of riot control agents in rescue missions, in remotely isolated areas, of downed aircrews and passengers, and escaping prisoners.

(d) Use of riot control agents in rear echelon areas outside the zone of immediate combat to protect convoys from civil disturbances, terrorists and paramilitary organizations.

I have determined that the provisions and procedures prescribed by this Order are necessary to ensure proper implementation and observance of such national policy.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States of America by the Constitution and laws of the United States and as Commander-in-Chief of the Armed Forces of the United States, it is hereby ordered as follows:

Section 1. The Secretary of Defense shall take all necessary measures to ensure that the use by the Armed Forces of the United States of any riot control agents and chemical herbicides in war is prohibited unless such use has Presidential approval, in advance.

Sec. 2. The Secretary of Defense shall prescribe the rules and regulations he deems necessary to ensure that the national policy herein announced shall be observed by the Armed Forces of the United States.

GERALD R. FORD

THE WHITE HOUSE,
APRIL 8, 1975

#

late in the day on ~~7~~¹³ May (6:20 AM.
EDT) U.S. aircraft ~~had~~^{been} ~~usual~~^{issuing} warnings and
fired warning shots at Cambodian ~~aircraft~~^{boats} in the
area. Despite prior warnings at dawn on 13 May
(8:30 PM EDT) a Cambodian patrol boat
attempted to leave the island and was taken under
fire by U.S. aircraft and was sunk.

[May 1975]

THE WHITE HOUSE
WASHINGTON

What I have tried to do is
take out detail which does
not strike me as essential and
which might burden this
President and others in the
future with excessively detailed
precedents. In addition, I
have reduced the information
on the upcoming operation.

I still think that this should
be shown to Gen'l Scowcroft
before it is sent forward.

Dick Smyser

Two United States reconnaissance
aircraft in the course of locating the Mayaguez
sustained minimal damage from small
arms fire.

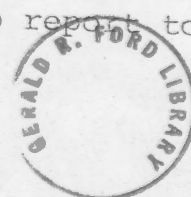


Dear Mr. Speaker:

On 12 May 1975, I was advised that the SS Mayaguez, a merchant vessel of United States registry enroute from Hong Kong to Thailand with a US citizen crew, was fired upon, stopped, boarded, and seized by Cambodian naval patrol boats of the Armed Forces of Cambodia in international waters in the vicinity of Poulo Wai Island. The seized vessel was then forced to proceed to Koh Tang Island where it remains at anchor. This hostile act was in clear violation of international law.

In view of this illegal and dangerous act, I ordered, as you have been previously advised, United States military forces to conduct the necessary reconnaissance and to be ready to respond if diplomatic efforts to secure the return of the vessel and its personnel were not successful. Appropriate demands for the return of the Mayaguez were made, both publicly and privately. No response has yet been received for any of these approaches. However, United States reconnaissance aircraft seeking to locate the Mayaguez were fired upon, and two such aircraft were hit by small arms fire.

In accordance with my desire that the Congress be fully informed on this matter and taking note of Section 4(a)(1) of the War Powers Resolution, I wish to report to



that
you ⁱⁿ order to stabilize the situation and attempt to preclude removal of the American crew of the Mayaguez to the mainland, where their rescue would be more difficult, I directed that the United States Armed Forces isolate the Island and interdict any movement between the Island and the mainland, while still taking all possible care to prevent loss of life or injury to the U. S. captives. These forces issued visual warnings and warning shots. A few small craft which ignored the warnings were destroyed or immobilized. A total of three Cambodian patrol craft have been destroyed and four others were damaged and immobilized. One boat succeeded in reaching Kompong Som possibly with some U. S. captives aboard, after efforts to turn it around without injury to the passengers failed. The U.S. aircraft fired only on boats which they determined visually did not appear to contain any U. S. captives.

Our objective in this operation continues to be the rescue of the captured American crew and the retaking of the ship Mayaguez. For that purpose, I have ordered further military measures to secure the vessel and to obtain the release of American crew members who may be on the Island. In addition to continued fighter and gunship coverage of the Koh Tang area, this operation will be supported by tactical ^{craft} air from the CORAL SEA, striking selected military targets. At this point it is not possible to advise you further of the scope and duration of the operation.



~~SECRET~~ SENSITIVE

DECLASSIFIED

E.O. 12356, Sec. 3.4 (b)

White House Guide Lines, Feb. 24, 1993

By RAY NARA Date 2/27/94

13:41 Z
13:44
9:44 E
FRANCIS

EC 1180
RCA

TALKING POINTS FOR CONGRESSIONAL NOTIFICATION

I am calling to inform you, on a classified basis, of certain developments with regard to the seizure of an American merchant vessel by Cambodian naval vessels off the coast of Cambodia yesterday. The United States has demanded the immediate release of the ship and its crew. There has been no Cambodian response to this demand.

As a precautionary measure, the President has ordered the U. S. military forces to take certain actions:

-- to prevent the American seamen from being transferred from the vessel or the nearby island to the Cambodian mainland, placing their lives in jeopardy and restricting our ability to rescue them.

-- to prevent reinforcement from the Mainland of the Cambodian forces detaining the American vessel and crew.

With these objectives in mind, the President has directed that U. S. aircraft should attempt to stop the movement of Cambodian boats ^{ship or the} between the island and the ship and between the ship or the island and the Cambodian mainland. ^{and to prevent movement of the ship itself,} Our military commanders have been directed to use the minimum force required to achieve these objectives.

FYL You may draw on, but not go beyond, the attached fact sheet in answering questions on this subject.

ORIGINAL RETIRED TO
SPECIAL DOCUMENTS FILE

May 13, 1975

Status of the U.S. Merchant Ship Seized by Cambodians

The S. S. Mayaguez, seized by Cambodian Communist forces, May 12, is now about 20 miles outside the port of Kompong Som, just north of Koh Tang Island. The ship is dead in the water, and there is reason to believe that most or all of its crew has been transferred to the island. The ship is being kept under surveillance by U.S. reconnaissance aircraft.

As a precautionary measure, several U.S. Navy combat vessels have been ordered to proceed to the general area of Koh Tang Island.

The U.S. has requested that Phnom Penh authorities have the ship released immediately. We have, so far, received no reply.

An NSC meeting was convened this morning.

ORIGINAL RETIRED TO
SPECIAL DOCUMENTS FILE

REQUEST/RECEIPT FOR LDX TRANSMISSION

C STATION SERIAL NUMBER 05

TIME PROCESSED AT NMCC
13 MAY 75 16 59

NMCC:LDX

ADDRESSEE: PLSE ENTER STATION, TOR,
OPERATORS SIGNATURE AND RETURN TO NMCC:

FROM: _____

TOR: 75 MAY 13 PM 5:05

NAME: _____

TO BE FILLED IN BY REQUESTER

FROM: COL FINKLESTEIN OFFICE/DESK: OCJCS

PHONE NR: 71309

- O:
- WHITE HOUSE MR PHILIP BUCHEN
COUNCIL TO THE PRES.
 - STATE DEPT MR. GEORGE ALDRICH / 128460
 - CIA _____
 - NSA _____
 - ANMCC _____

- DIA (PENT) _____
- DIA (ARL HALL) _____
- DNA _____
- NPIC (NAVY YARD) _____

SPECIAL INSTRUCTIONS _____

CLASSIFICATION T/S PAGES 2

DEPARTMENT OF DEFENSE

JOINT CHIEFS OF STAFF

MESSAGE CENTER

~~TOP SECRET~~

DECLASSIFIED

E.O. 12356, Sec. 3.4.

OSD At: 12/13/91 MR 89-16 #2

By KBH NARA, Date 2/4/92

VZCZCMLT4608CP480

~~TOP SECRET~~

MULT

0376

ACTION CJCS

DISTR YEARSVC OPR FILESV CJC3:(04)1-4 DJS SJCS(02)5-6 J3(14)7-20
SECDEF(04)21-24 NMIC SECDEF: NMCC:DDO(03)25-27 ASD:ISA(07)28-34
ASD:PA(01)35 DIA: CMC

CSAF WASH DC

CNO WASH DC

CSA WASH DC

FTLE(1)36

(036)

TRANSIT/131905Z/131910Z/000106GRP0309

DE RUEKJCS #1053 1331910

ZNY TTTT

Z 131905Z MAY 75 ZFF6

FLASH

COPY NO. 6

FM JCS WASH DC

TO RUMHQA/CINCPAC HONOLULU HI

INFO RUMORGA/COMUSMACV 7AF NAKHON PHANOM RTAFB THAILAND

RHHMORA/CINCPACFLT MAKALAPA HI

RUHVAAB/CINCPACAF HICKAM AFB HI

RUMGOAA/COMSEVENTHFLT

ZEN/SECDEF WASH DC

RUEHC/SECSTATE WASH DC

BT

~~TOP SECRET~~ 9376

ACJCS SENDS

SECSTATE HANDLE AS NODIS

SUBJ: ACTIONS REFERENCE SS MAYAGUEZ (U)

REF: THIS CONFIRMS TELECON TO GENERAL BURNS AND GENERAL MOORE

1. (U) THIS IS AN EXECUTE MESSAGE.

2. (TS) IT IS DESIRED THAT WE ISOLATE ISLAND OF KAS TANG BY TURNING BOATS AWAY THAT ARE APPROACHING THE ISLAND OR BY TURNING BACK ANY BOATS THAT ATTEMPT TO LEAVE AND GIVE EVIDENCE OF HEADING FOR THE MAINLAND. GUNFIRE ACROSS THE BOW IS ONE METHOD THAT CAN BE USED. IN VIEW OF THE DIRECT COMMUNICATIONS CONTACT WITH THE ON-SCENE COMMANDER, IMMEDIATE REPORT ON ANY MOVEMENTS SHOULD BE AVAILABLE TO WASHINGTON; THEREFORE, THE DECISION TO FIRE ON OR SINK ANY BOATS RESIDES IN WASHINGTON. IT IS PARTICULARLY IMPORTANT TO GET MAXIMUM INFORMATION ON ANY OUTGOING BOAT TO DETERMINE IF THERE ARE AMERICANS ABOARD AND TO REPORT SUCH WHEN REQUESTING AUTHORITY TO SINK. ALTHOUGH THIS WILL BE DIFFICULT TO ACCOMPLISH, DECK LOADING

PAGE 1

~~TOP SECRET~~

08101011

~~TOP SECRET~~

35

DEPARTMENT OF DEFENSE

JOINT CHIEFS OF STAFF

MESSAGE CENTER

~~TOP SECRET~~
~~TOP SECRET~~

9376

PROBABLY WILL BE REQUIRED ON THE SMALL BOATS - AS THEY DID IN
TAKING PERSONNEL, BELIEVED TO BE AMERICANS, FROM THE SHIP TO THE
ISLAND.

GDS-85

BT

#1653

ANNOTATED

CSB

~~TOP SECRET~~

00101011

~~TOP SECRET~~

Tuesday 5/13/75

3:10 Attached is the typed version of Mr. Aldrich's note, which he said he dictated to his secretary on the phone.



"Piracy" as a technical, legal term is limited to acts of force against ships or their passengers which are carried out for private gain. More broadly, however, piracy is commonly understood to cover all illegal attacks on merchant shipping, other than acts of war. We do not yet know the motives for the attack on the U.S. merchant ship Mayaguez, but we have no reason to suspect private gain; therefore, the President was using the term in its broad non-technical sense.



Tuesday 5/13/75

Autostation
⑧
484-5545

12:30 Marty Hoffmann said Ben Forman is his international lawyer, but is rather conservative.

(919) 451-2808
451-5545
451-3590

You can work through Len Niederlehner --
Len will have a pretty good idea of how Marty
would think on these things.

(Col. Collier)

If you get in a jam, there are secure phones in
the White House -- and Marty said we could
call Margaret and she can find out where there is
a secure phone in LeJune and the two of you could
talk. We could just let him know a time and
he'll be there to talk.



Tuesday 5/13/75

1:00 Marty Hoffmann's office called to give us the
phone numbers for two secure phones at
Camp Lejeune, North Carolina.

(919) 451-5504

*

(919) 451-2702

((Forced Troop Headquarters))

*

Capt. Daugherty is locating
him to tell Marty Hoffmann
that you will be calling.



Tuesday 5/13/75

1:50 Marty Hoffmann will call you from the secure
phone at Camp Lejeune, N. C. -- will call in the
Situation Room.

(919) 451-5902

He is on his way there -- and will call when he arrives
at the secure phone -- probably between 2 and 2:15.



Tuesday 5/13/75

3:10 Attached is the typed version of Mr. Aldrich's note, which he said he dictated to his secretary on the phone.



"Piracy" as a technical, legal term is limited to acts of force against ships or their passengers which are carried out for private gain. More broadly, however, piracy is commonly understood to cover all illegal attacks on merchant shipping, other than acts of war. We do not yet know the motives for the attack on the U.S. merchant ship Mayaguez, but we have no reason to suspect private gain; therefore, the President was using the term in its broad non-technical sense.



Tuesday 5/13/75

5:15 Monroe Leigh called. He will be in his office for quite some time. 632-9598

His home number in case you have to reach him 229-8954

George Aldrich's office number 632-8460

home number 765-0871

Geo Aldrich

8:30 - 10:30

785-8877



MAY 13, 1975
7:00 a.m. EDT

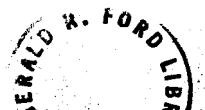
Office of the White House Press Secretary

NOTICE TO THE PRESS

STATEMENT BY THE PRESS SECRETARY

The merchant ship MAYAGUEZ, at last report was anchored close to the island of Koh Tang, 30 miles off the coast of Cambodia. During the night, Washington time, it was escorted by two Cambodian naval vessels from the point where it was originally boarded (that point was eight miles from the rock island of Poulo Wai) toward its present location. The ship is being kept under observation by U.S. military aircraft. The President was kept informed of developments during the night.

. #



May 13, 1975

Office of the White House Press Secretary

NOTICE TO THE PRESS

The following information was made available at 3p.m. today at the Pentagon:

MEMORANDUM FOR CORRESPONDENTS:

MAY 13, 1975

The following Notice to Mariners (#NR45) was issued by the Defense Mapping Agency Hydrographic Center at 7:15 p.m. EDT, May 12:

"Special Warning: Shipping is advised until further notice to remain more than 35 nautical miles off the coast of Cambodia and more than 20 nautical miles off the coast of Vietnam including off lying islands. Recent incidents have been reported of firing on, stopping and detention of ships within waters claimed by Cambodia, particularly in vicinity of Poulo Wai Island. This warning in no way should be construed as United States recognition of Cambodian or Vietnamese territorial sea claims or as derogation of the right of innocent passage for United States flag vessels, or derogation of the freedom of the high seas."

#



RY

ITEM WITHDRAWAL SHEET
WITHDRAWAL ID 01310

Collection/Series/Folder ID : 001900281
Reason for Withdrawal : NS, National security restriction
Type of Material : MEM, Memo(s)
Creator's Name : Jack Marsh
Receiver's Name : Phil Buchen
Description : summary of the NSC meeting
Creation Date : 05/13/1975
Volume (pages) : 2
Date Withdrawn : 06/28/1988

DECLASSIFIED - E.O. 12356, Sec. 3.4
With PORTIONS EXEMPTED
E.O. 12356, Sec. 1.3 (a) (1)(5)

By KBH, NARA, Date 3/23/90

~~TOP SECRET~~

DECLASSIFIED - E.O. 12356, Sec. 3.4
With PORTIONS EXEMPTED
E.O. 12356, Sec. 1.3 (a) (1)(5)

THE WHITE HOUSE

WASHINGTON

MR 89-15, #3 NSC Otr. 11/21/89

May 13, 1975

By KBH, NARA, Date 3/23/90

MEMORANDUM FOR:

PHIL BUCHEN

FROM:

JACK MARSH

Summary of the NSC Meeting

At the NSC Meeting there was a discussion of the seizure of the American ship which has not been taken into port on the mainland but is being held at an off-shore island approximately 30 miles at sea. She has one anchor down and one anchor up with some heat from the boiler and it is improbable that the Cambodians can sail her. She has one tug and one high speed motor beside her.

Some people, probably crew members, have been taken off and moved to the island. It is believed that probably some crew members remain on the ship which is being kept under Air Force surveillance.

The President was advised by General Jones that orders had been issued not to allow the ship to move to port and to take such steps to prevent that short of sinking her.

Anticipated Actions are:

1. nearby air passes to frighten.
2. damage by gunfire to the controls at the stern.
3. if taken in tow, attack the tug.

At about 11:30 a.m., the President issued instructions that U.S. forces would interdict all craft moving to and from the island immediately in order to prevent the Americans from being taken to the mainland. General Jones indicated they would try to use search lights and flares from P-3 aircraft to identify boat targets for the purpose of avoiding attack on small craft carrying Americans.

~~TOP SECRET~~

The following actions are being contemplated (Washington time)

1. At 7:00 p.m. this evening there could be a helicopter assault by U.S. Marines on the ship.
2. At 6 a.m. Wednesday morning, the destroyer HOLT will arrive on the scene and be able to prevent movement of the vessel as well as augment the Marines if the assault takes place.
3. At 7:00 p.m. Wednesday it is anticipated that if the crewmen have not been returned or the ship has not been returned, the landing forces of 1,000 Marines will assault the island to free the Americans.

ADDITIONAL INFORMATION

4. Thursday, 3:00 a.m. the U.S. CORAL SEA should arrive on the scene.
5. Friday, 4:00 a.m., the U.S. HANCOCK should arrive on the scene.

All of the above times are estimated Eastern Daylight Savings Time, Washington, D.C.

It is admitted that Cambodia can and may sink the vessel at any time. The number of Americans on the ship or on the island is uncertain.

.....

The meeting adjourned to be recalled shortly this same day for the purpose of deciding upon options to pursue. At the present time, the most immediate action is a helicopter assault at 7:00 p.m. this evening which is considered to be a high risk operation inasmuch as the containers on the deck are not believed to be sufficiently strong to support a helicopter landing.
 The landing will be achieved by rappelling forces from the helicopter.

THE WHITE HOUSE
WASHINGTON

May 14, 1975

DECLASSIFIED
E.O. 12356, Sec. 3.4.

MR 89-15, #4 NSC Lt. 11/21/89
By KBH, NARA, Date 3/23/90

MEMORANDUM FOR:

JACK MARSH

FROM:

PHILIP BUCHEN *P.W.B.*

SUBJECT:

The Mayaguez Situation in
Connection with the War Powers
Resolution

Following are the critical times as reported to me by
Marty Hoffman:

Monday, May 12 at 9:16 p.m. edt

A Navy P-3 aircraft used for reconnaissance was shot
at by rifle fire from the deck of the Mayaguez.

Tuesday, May 13 at 6:15 a.m. edt

Combat aircraft began action to interdict vessels
leaving the Island of Koh Tang.

Tuesday, May 13 at 8:30 p.m. edt

The first of the Cambodian vessels was sunk.

Under the War Powers Resolution, the President is required
to make his submission within 48 hours of the time when
U. S. Armed Forces are introduced either:

- (1) into hostilities or into situations where
imminent involvement in hostilities is
clearly indicated by the circumstances, or
- (2) into the air space of a foreign nation while
equipped for combat.

In this case, it could be argued that the reconnaissance plane was introduced into a situation of imminent hostility when it got close enough to the ship at 9:16 p.m., Monday, to be the target for rifle power. Even if this event did not start the running of the 48 hour period, it would certainly have started about 6:15 a.m. on Tuesday when aircraft equipped for combat was undoubtedly entering the air space of the Cambodian Island and over the Cambodian territorial waters.

Marty Hoffman concurs in having the report filed before the close of business today based on what information is available at the time of the drafting. He is preparing a draft to submit to us about noon today. The report should, of course, include the events of last night in and around the Island of Koh Tang, but it also must include "the estimated scope and duration of the hostilities or involvement."

This requirement immediately raises the issue as to whether the decision contemplated by the President to involve B-52's from Guam in bombing of Cambodian mainland should be disclosed when the "estimated scope" is reported on. Marty tells me that the flight line at the air-field in Guam has been closed to the public but is easily viewable from a nearby hotel. This situation will likely bring press speculation sometime soon, if it has not already come out, that use of B-52's is being contemplated, even if the decision hasn't been finally made.

Marty also tells me that there has been a radio intercept to the effect that a Swedish ship has been fired upon or seized by the Cambodians.

MAY 14, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESS SECRETARY

In further pursuit of our efforts to obtain the release of the SS MAYAGUEZ and its crew, the President has directed the following military measures, starting this evening Washington time:

- U.S. Marines to board the SS MAYAGUEZ.
- U.S. Marines to land on Koh Tang Island, in order to rescue any crew members as may be on the Island.
- Aircraft from the carrier "Coral Sea" to undertake associated military operations in the area in order to protect and support the operations to regain the vessel and members of the crew.

#



1123

U VLBYLZYYV

7CAMBODIAN FORCES 360

WASHINGTON (AP) - CAMBODIA HAS VIRTUALLY NO AIR FORCE AND ONLY A TINY NAVY WITH WHICH TO OPPOSE ANY U.S. MILITARY EFFORT TO RETAKE OR DESTROY THE CAPTURED MERCHANT SHIP MAYAGUEZ; PENTAGON OFFICIALS SAID TODAY.

PILOTS LOYAL TO THE OUSTED CAMBODIAN GOVERNMENT FLEW MOST OF THE U.S.-PROVIDED AIR FORCE INTO THAILAND AS THE KHMER ROUGE WERE TAKING PHNOM PENH IN APRIL.

A TOTAL OF 101 CAMBODIAN AIR FORCE CRAFT; INCLUDING MORE THAN 50 T28 PROPELLOR-DRIVEN GROUND ATTACK PLANES; ARE IN U.S. HANDS IN THAILAND.

WHATEVER MILITARY AIRCRAFT ARE LEFT IN CAMBODIA ARE BELIEVED TO BE MOSTLY UNFLYABLE. AMONG OTHER THINGS; PENTAGON OFFICIALS SAID THE NEW REGIME PROBABLY HAS FEW; IF ANY; PILOTS.

AT BEST; CAMBODIA'S AIR FORCE WOULD NOT HAVE BEEN A MATCH FOR THE ROUGHLY 200 POWERFUL U.S. FIGHTERS AND BOMBERS BASED IN THAILAND; AND 90 OTHERS ABOARD THE U.S. NAVY CARRIER CORAL SEA; WHICH IS BOUND FOR THE CRISIS SCENE IN THE GULF OF THAILAND.

AT SEA; THE CAMBODIAN NAVY IS COMPOSED OF A COLLECTION OF SOME 20 SEAGOING CRAFT; MOST OF THEM PATROL BOATS; GUNBOATS AND A FEW TORPEDO BOATS.

ALTHOUGH IT IS CONCEIVABLE THAT SUCH CRAFT MIGHT INFLICT SOME MINOR DAMAGE; THE MOST LIKELY RESULT OF ANY KIND OF A NAVAL CLASH WITH AIRCRAFT AND SURFACE WARSHIPS OF THE 7TH FLEET WOULD BE DISASTER FOR THE CAMBODIANS.

THE UNITED STATES HAS NO GROUND TROOPS IN THAILAND EXCEPT THE SMALL FORCE OF MARINES SENT IN TO PREPARE FOR POSSIBLE MILITARY ACTION TO GET THE U.S. MERCHANT SHIP BACK FROM THE CAMBODIANS. THE 23,000 U.S. MILITARY MEN IN THAILAND ARE; FOR THE MOST PART; SUPPORTING U.S. AIR POWER IN THE COUNTRY.

HOWEVER; DESPITE THAILAND'S WARNINGS; NOBODY IN THE PENTAGON EXPECTS THE THAIS TO LAUNCH ANY MILITARY ACTION WITH THEIR 130,000-MAN ARMY AGAINST U.S. BASES THERE.

THE THAI AIR FORCE TOTALS MORE THAN 100 COMBAT PLANES BUT THE MOST POTENT ARE F5 INTERNATIONAL FIGHTERS; NO MATCH FOR THE BIG U.S. F4 PHANTOMS AND OTHER COMBAT PLANES IN THAILAND.

THAILAND HAS A BIGGER NAVY THAN CAMBODIA; INCLUDING SEVEN FRIGATES; BUT IT WOULD NOT CONTEST THE POWER OF THE U.S. 7TH FLEET.

1125AED 05-14



1125A123

U VLBYLZYYV

7CAMBODIAN FORCES 360

WASHINGTON (AP) - CAMBODIA HAS VIRTUALLY NO AIR FORCE AND ONLY A TINY NAVY WITH WHICH TO OPPOSE ANY U.S. MILITARY EFFORT TO RETAKE OR DESTROY THE CAPTURED MERCHANT SHIP MAYAGUEZ; PENTAGON OFFICIALS SAID TODAY.

PILOTS LOYAL TO THE OUSTED CAMBODIAN GOVERNMENT FLEW MOST OF THE U.S.-PROVIDED AIR FORCE INTO THAILAND AS THE KHMER ROUGE WERE TAKING PHNOM PENH IN APRIL.

A TOTAL OF 101 CAMBODIAN AIR FORCE CRAFT; INCLUDING MORE THAN 50 T28 PROPELLOR-DRIVEN GROUND ATTACK PLANES; ARE IN U.S. HANDS IN THAILAND.

WHATEVER MILITARY AIRCRAFT ARE LEFT IN CAMBODIA ARE BELIEVED TO BE MOSTLY UNFLYABLE. AMONG OTHER THINGS; PENTAGON OFFICIALS SAID THE NEW REGIME PROBABLY HAS FEW; IF ANY; PILOTS.

AT BEST; CAMBODIA'S AIR FORCE WOULD NOT HAVE BEEN A MATCH FOR THE ROUGHLY 200 POWERFUL U.S. FIGHTERS AND BOMBERS BASED IN THAILAND; AND 90 OTHERS ABOARD THE U.S. NAVY CARRIER CORAL SEA; WHICH IS BOUND FOR THE CRISIS SCENE IN THE GULF OF THAILAND.

AT SEA; THE CAMBODIAN NAVY IS COMPOSED OF A COLLECTION OF SOME 20 SEAGOING CRAFT; MOST OF THEM PATROL BOATS; GUNBOATS AND A FEW TORPEDO BOATS.

ALTHOUGH IT IS CONCEIVABLE THAT SUCH CRAFT MIGHT INFLICT SOME MINOR DAMAGE; THE MOST LIKELY RESULT OF ANY KIND OF A NAVAL CLASH WITH AIRCRAFT AND SURFACE WARSHIPS OF THE 7TH FLEET WOULD BE DISASTER FOR THE CAMBODIANS.

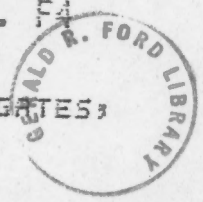
THE UNITED STATES HAS NO GROUND TROOPS IN THAILAND EXCEPT THE SMALL FORCE OF MARINES SENT IN TO PREPARE FOR POSSIBLE MILITARY ACTION TO GET THE U.S. MERCHANT SHIP BACK FROM THE CAMBODIANS. THE 23,000 U.S. MILITARY MEN IN THAILAND ARE; FOR THE MOST PART; SUPPORTING U.S. AIR POWER IN THE COUNTRY.

HOWEVER; DESPITE THAILAND'S WARNINGS; NOBODY IN THE PENTAGON EXPECTS THE THAIS TO LAUNCH ANY MILITARY ACTION WITH THEIR 130,000-MAN ARMY AGAINST U.S. BASES THERE.

THE THAI AIR FORCE TOTALS MORE THAN 100 COMBAT PLANES BUT THE MOST POTENT ARE F5 INTERNATIONAL FIGHTERS; NO MATCH FOR THE BIG U.S. F4 PHANTOMS AND OTHER COMBAT PLANES IN THAILAND.

THAILAND HAS A BIGGER NAVY THAN CAMBODIA; INCLUDING SEVEN FRIGATES; BUT IT WOULD NOT CONTEST THE POWER OF THE U.S. 7TH FLEET.

1125AED 05-14



REQUEST/RECEIPT FOR LDX TRANSMISSION

MCC STATION SERIAL NUMBER

138

TIME PROCESSED AT NMCC

14 MAY 75 13 55

NMCC 401

ADDRESSEE: PLSE ENTER STATION, TOR, OPERATORS SIGNATURE AND RETURN TO NMCC:

FROM: _____

TOR: 75 MAY 14 PM 2:07

NAME: _____

TO BE FILLED IN BY REQUESTER

FROM: Cal Finkelstein OFFICE/DESK: OETCS

PHONE NR: 71309

TO:

WHITE HOUSE

*Mr Philip Buchen
Council to the President*

STATE DEPT

Mr Morris Leigh

CIA

*Rm 6475
632-9598*

NSA

NMCC

DIA (PENT)

DIA (ARL HALL)

DNA

NPIC (NAVY YARD)

SPECIAL INSTRUCTIONS _____

CLASSIFICATION _____

PAGES

2



Dear Mr. Speaker:

On 12 May 1974, I was advised that the SS Mayaguez, a merchant vessel of United States registry with a US citizen crew, was fired upon, stopped, boarded, and seized by the Armed Forces of Cambodia in international waters in the vicinity of Poulo Wai Island. The seized vessel was then forced to proceed to Koh Tang Island where it remains at anchor. This hostile act was in clear violation of international law.

In view of this illegal and dangerous act, I order United States military forces to conduct the necessary reconnaissance and to be ready to respond if diplomatic efforts to acquire the return of the vessel failed. A Panamanian ship, the _____ had been detained by the Cambodians on _____ but had been released on _____.

Appropriate demands for the return of the Mayaguez were made, both publicly and privately. No response has been received except that United States reconnaissance aircraft seeking to locate the Mayaguez were fired upon, and two such aircraft were hit by small arms fire.

In accordance with my desire that the Congress be fully informed on this matter and taking note of Section 4(a)(1) of the War Powers Resolution, I wish to report to you that in order to stabilize the situation and to preclude removal of the American crew of the Mayaguez to the mainland, I directed that the United States Armed Forces isolate the island and interdict any movement between the island and the mainland. Notwithstanding visual warnings and warning shots, at 8:30 PM EDT on May 13,



a Cambodian patrol boat attempted to leave the island, was taken under fire by US aircraft and was sunk. Subsequently, a few other small craft which also ignored the warnings were destroyed or immobilized. A total of three Cambodian patrol craft have been destroyed and four others were damaged and immobilized. One boat succeeded in reaching Kompong Som, possibly with some U.S. captives aboard, after efforts to turn it around without injury to the passengers failed.

Although I hope that the ship and its crew will be returned without further use of the Armed Forces of the United States, it may be necessary to take further action to achieve that objective. The destroyer escort HOLT with a small complement of marines arrived in the area at 12 noon EDT today; marines augmentation forces will be put aboard later this afternoon; the carrier CORAL SEA and a task force including marines and helicopters will arrive in the area early tomorrow morning. It is not possible to advise you at this time as to when US involvement in this situation will terminate.

This operation was ordered and conducted pursuant to the President's Executive Power and his Constitutional authority as Commander-in-Chief of the United States Armed Forces.



*Mayaguez
Affair*

Wednesday 5/14/75

Meeting
5/14/75
5 p.m.

3:05 We have scheduled the meeting for 5 o'clock
this afternoon (Wed. 5/14) and have invited
Marty Hoffmann, Monroe Leigh and John Marsh.



May 14, 1975

To: Mr. Hoffmann

Margaret called to say
the ship does not belong to
Puerto Rico -- it is American.



M. Hoffmann

May 14, 1975

MEMORANDUM FOR CORRESPONDENTS:

Following is a statement by Mr. Joseph Laitin, Assistant Secretary of Defense (Public Affairs) read to newsmen at the Pentagon at 12:20 PM, EDT:

Beginning at 8:30 P.M. (EDT) yesterday evening, there were indications that the Cambodians appeared to be attempting to move captive U.S. crewmen from the ship and from the island of Koh Tang to the mainland. After giving warning, U.S. aircraft began efforts to block this movement. Three Cambodian patrol craft were destroyed, about four others were damaged and immobilized. One boat succeeded in reaching Komgpong Som.

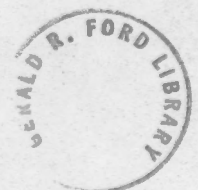
U.S. aircraft had been receiving small arms fire from such boats for several hours prior to this action.

The Mayaguez is still anchored off Koh Tang island. The first of the U.S. Navy vessels, the destroyer escort USS HOLT, is now in the area.

* * * * *

Mr. Laitin took no questions from newsmen on this subject.

END



FOR IMMEDIATE RELEASE

MAY 14, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

TEXT OF A MESSAGE TO THE CAMBODIAN AUTHORITIES
FROM THE UNITED STATES GOVERNMENT

We have heard radio broadcast that you are prepared to release the S. S. Mayaguez. We welcome this development, if true.

As you know, we have seized the ship. As soon as you issue a statement that you are prepared to release the crew members you hold unconditionally and immediately, we will promptly cease military operations.

###



REQUEST/RECEIPT FOR LDX TRANSMISSION

MCC STATION SERIAL NUMBER

138

TIME PROCESSED AT NMCC

14 MAY 75 13 55

NMCC

ADDRESSEE: PLEASE ENTER STATION, TOR, OPERATOR'S SIGNATURE AND RETURN TO NMCC:

FROM:

TOR:

NAME:

75 MAY 14 PM 2:07

[Handwritten signature]

TO BE FILLED IN BY REQUESTER

FROM: Col Finkelstein OFFICE/DESK: OCJCS

PHONE NR: 71309

TO:

-
-
-
-
-

Mr Philip Buchen
Counsel to the President
Mr Monroe Leigh
Rm 6425
632-9598

-
-
-
-

DIA (PENT) _____
 DIA (ARL HALL) _____
 DNA _____
 NPIC (NAVY YARD) _____

SPECIAL INSTRUCTIONS

CLASSIFICATION

PAGES

2



Dear Mr. Speaker:

On 12 May 1974, I was advised that the SS Mayaquez, a merchant vessel of United States registry with a US citizen crew, was fired upon, stopped, boarded, and seized by the Armed Forces of Cambodia in international waters in the vicinity of Poulo Wai Island. The seized vessel was then forced to proceed to Koh Tang Island where it remains at anchor. This hostile act was in clear violation of international law.

In view of this illegal and dangerous act, I order United States military forces to conduct the necessary reconnaissance and to be ready to respond if diplomatic efforts to acquire the return of the vessel failed. A Panamanian ship, the _____ had been detained by the Cambodians on _____ but had been released on _____.

Appropriate demands for the return of the Mayaquez were made, both publicly and privately. No response has been received except that United States reconnaissance aircraft seeking to locate the Mayaquez were fired upon, and two such aircraft were hit by small arms fire.

In accordance with my desire that the Congress be fully informed on this matter and taking note of Section 4(a)(1) of the War Powers Resolution, I wish to report to you that in order to stabilize the situation and to preclude removal of the American crew of the Mayaquez to the mainland, I directed that the United States Armed Forces isolate the island and interdict any movement between the island and the mainland. Notwithstanding visual warnings and warning shots, at 8:30 PM EDT on May 13,



a Cambodian patrol boat attempted to leave the island, was taken under fire by US aircraft and was sunk. Subsequently, a few other small craft which also ignored the warnings were destroyed or immobilized. A total of three Cambodian patrol craft have been destroyed and four others were damaged and immobilized. One boat succeeded in reaching Kompong Som, possibly with some U.S. captives aboard, after efforts to turn it around without injury to the passengers failed.

Although I hope that the ship and its crew will be returned without further use of the Armed Forces of the United States, it may be necessary to take further action to achieve that objective. The destroyer escort HOLT with a small complement of marines arrived in the area at 12 noon EDT today; marines augmentation forces will be put aboard later this afternoon; the carrier CORAL SEA and a task force including marines and helicopters will arrive in the area early tomorrow morning. It is not possible to advise you at this time as to when US involvement in this situation will terminate.

This operation was ordered and conducted pursuant to the President's Executive Power and his Constitutional authority as Commander-in-Chief of the United States Armed Forces.



FOR IMMEDIATE RELEASE

MAY 15, 1975

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT
ON THE
SS MAYAGUEZ

THE BRIEFING ROOM

12:27 A.M. EDT

At my direction, the United States forces tonight boarded the American merchant ship SS MAYAGUEZ and landed at the Island of Koh Tang for the purpose of rescuing the crew and the ship, which had been illegally seized by Cambodian forces. They also conducted supporting strikes against nearby military installations.

I have now received information that the vessel has been recovered intact and the entire crew has been rescued. The forces that have successfully accomplished this mission are still under hostile fire, but are preparing to disengage.

I wish to express my deep appreciation and that of the entire Nation to the units and the men who participate in these operations for their valor and for their sacrifice.

END (AT 12:29 A.M. EDT)

