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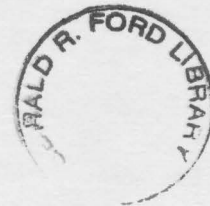
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note to TT

BECAUSE OF THE IMPORTANCE OF
SECURITY, I SUGGEST A [REDACTED]
[REDACTED] YOU EMPHASIZE THE
NEED FOR SECURITY UNTIL THE OPERATION
ACTUALLY BEGINS.

THE WHITE HOUSE





Public Law 93-148
 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.

87 STAT. 556
87 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 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



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."



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.

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. 560



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.

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(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



MAY 12, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESS SECRETARY

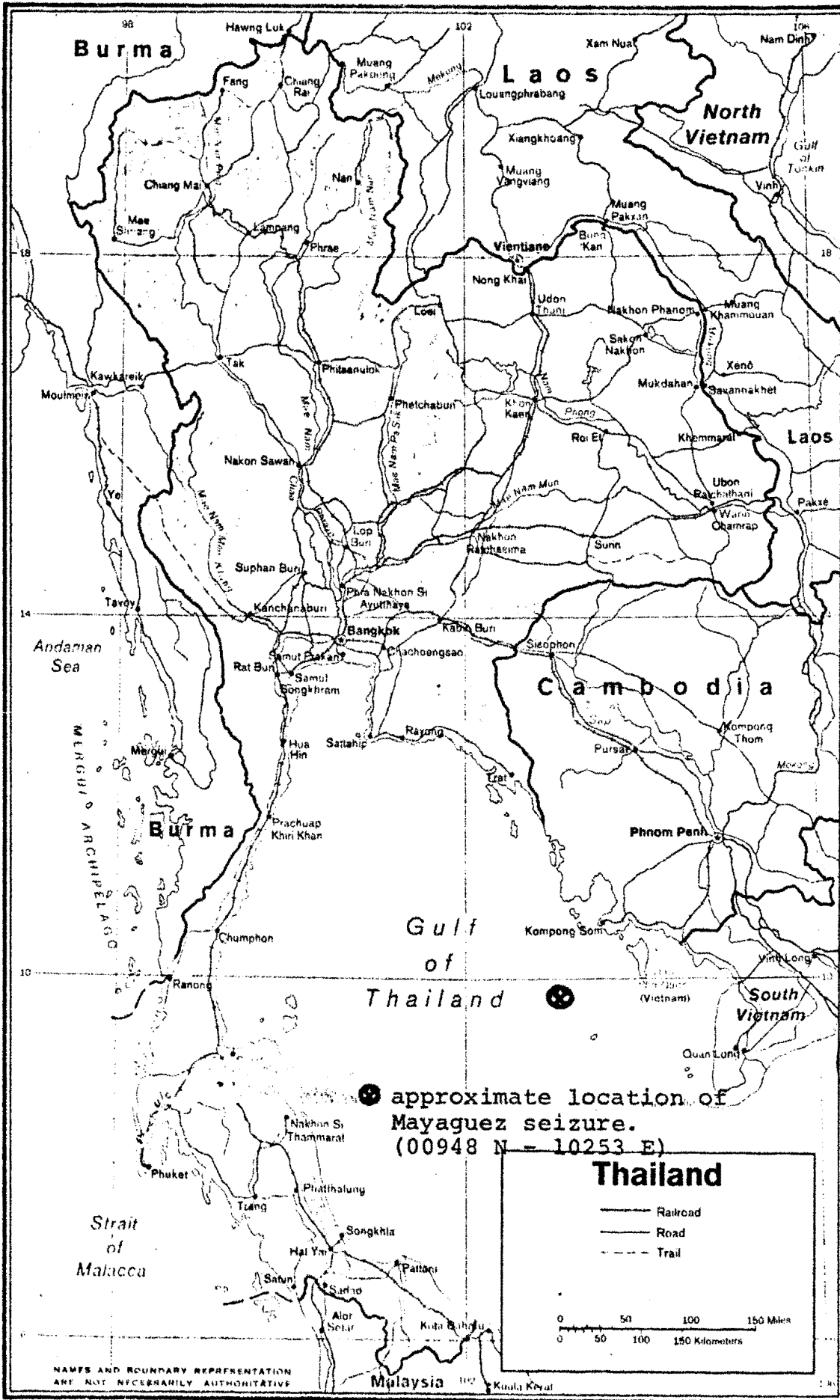
We have been informed that a Cambodian naval vessel has seized an American merchant ship on the high seas and forced it to the port of Kompong Som. The President has met with the NSC. He considers this seizure an act of piracy. He has instructed the State Department to demand the immediate release of the ship. Failure to do so would have the most serious consequences.

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WALD R. FORD LIBRARY

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 Pulo 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."

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
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WITHDRAWAL ID 09111

REASON FOR WITHDRAWAL National security restriction
TYPE OF MATERIAL Memorandum
CREATOR'S NAME Jack Marsh
RECEIVER'S NAME Phil Buchen
DESCRIPTION Summary of the NSC Meeting
CREATION DATE 05/13/1975
VOLUME 2 pages
COLLECTION/SERIES/FOLDER ID . 006701294
COLLECTION TITLE JOHN O. MARSH FILES (WH Counsellor)
BOX NUMBER 122
FOLDER TITLE 5/14/75 - Mayaguez Seizure (1)-(2)
DATE WITHDRAWN 01/30/1998
WITHDRAWING ARCHIVIST WHM

*Partially declassified
copy in open file*

TOP SECRET

THE WHITE HOUSE
WASHINGTON

May 13, 1975

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

DECLASSIFIED • E.O. 12958 Sec. 3.6
With PORTIONS EXEMPTED
E.O. 12958 Sec. 1.5 ()



Copy of doc in Buchen, M.R. 89-15, #3

By KBH, NARA, Date 1/29/98

May 13, 1975

[5/13/75]
5:00 PM
//

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.

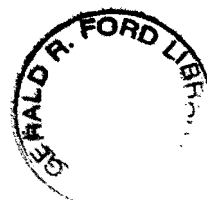


THE WHITE HOUSE

WASHINGTON

May 13, 1975

MEMORANDUM FOR: JOHN MARSH
THROUGH: MAX FRIEDERSDORF
FROM: VERN LOEN *VL*
SUBJECT: Congressional calls on Cambodian
seizure of the merchant ship MAYAGUEZ



MEMBER: Rep. John Rhodes (R-Ariz.)

DATE: 5/13/75

TIME: 5:50 p.m.

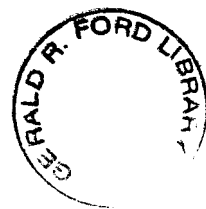
PLACE: Office of Rep. Bob Wilson, (R-Calif) (SOS Club)

CONTACT: Vern Loen spoke with Rep. Rhodes

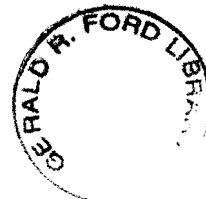
COMMENTS: Rhodes: "Are marines being sent in?"
Loen: "I have no such information."
Rhodes and Wilson: "Thanks for the report."



MEMBER: Rep. George Mahon (D-Texas)
DATE: 5/13/75
TIME: 6:05 p.m.
PLACE: Reached at his office
CONTACT: Vern Loen spoke with Rep. Mahon
COMMENTS: "Good. I think he should do that. I appreciate this report very much."



MEMBER: Rep. William Broomfield (R-Mich.)
DATE: 5/13/75
TIME: 5:55 p.m.
PLACE: Reached at his office by Vern Loen
CONTACT: Vern Loen spoke with Rep. Broomfield
COMMENTS: "Good, good. I'm all for it. Thanks for
the report."



MEMBER: Rep. Mel Price
DATE: May 13, 1975
TIME: 5:50 p. m.
PLACE: Washington, D. C. in office
CONTACT: Douglas P. Bennett personally spoke with Mr. Price
COMMENTS: Fine, thank you.



MEMBER: Rep. John McFall

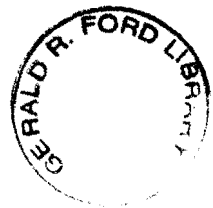
DATE: May 13, 1975

TIME: 11:00 p. m.

PLACE: Washington, D. C. at home

CONTACT: Douglas P. Bennett spoke personally with Mr. McFall

COMMENTS: The President should keep going. He's doing the right thing. Fine, thank you.



MEMBER: Rep. El Cederberg

DATE: May 13, 1975

TIME: 5:55 p. m.

PLACE: Washington, D. C. in office

CONTACT: Douglas P. Bennett spoke personally with Mr. Cederberg

COMMENTS: Can't allow it to happen . . . we must do what it takes to get the ship back. . . otherwise we may as well put the Navy in mothballs. Thank you.



MEMBER: Rep. Bob Michel

DATE: Tuesday, May 13, 1975

TIME: 5:59 p. m.

PLACE: Congressional District Office, Washington, D. C.

CONTACT: Charles Leppert spoke with Member personally

COMMENTS: "That's good. Do we know where the crew is?"
Yes, there is reason to believe that most or all
of the crew has been transferred to the nearby
island.

That's the least we can do. I'm for doing more.
We can't let these birds horse us around.



MEMBER: Rep. Thomas E. "Doc" Morgan

DATE: Tuesday, May 13, 1975

TIME: 6:08 p.m.

PLACE: At. Rep. Wayne Hay's party on Capitol Hill

CONTACT: Charles Leppert talked to the Member personally.

COMMENTS: "No. That's exactly what I think he should have done."



MEMBER: Rep. Thomas P. "Tip" O'Neill

DATE: Tuesday, May 13, 1975

TIME: 6:14 p.m.

PLACE: Majority Leader's office, Washington, D. C.

CONTACT: Charles Leppert spoke personally with the Member.

COMMENTS: "Where is the ship?
About 20 miles outside the port of Kompong Som.
"Where's the crew?"
There is reason to believe that most or all of the
crew has been transferred to the nearby island.
"Do we have ships there?"
I believe there have been news reports on the
radio that we have ships steaming there."
"Those bastards, we can't let them get away with
this. They'll harass us forever."

