

The original documents are located in Box 25, folder “Mayaguez Situation - General (2)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

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THE WHITE HOUSE
WASHINGTON

May 16, 1975

MEMORANDUM FOR THE PRESIDENT

FROM: MAX FRIEDERSDORF *mf*
SUBJECT: Congressional Response to Mayaguez Action

The Congressional response to your successful recovery of the SS Mayaguez and its crew has been overwhelmingly favorable. Bob Wolthuis has pulled together the comments in the Congressional Record for May 15 and also the Congressional mail on the subject. There are four attachments:

- A. Summaries of Statements in the Congressional Record in favor of your action.
- B. Compilation from Congressional Record of Senate and House statements.
- C. Summaries of Congressional mail supporting your position.
- D. Summaries and Statements from Congressional Record that are critical of your action.

As expected, most Congressional expressions have been very laudatory. With a few exceptions it comes from Republicans and Southern Democrats. Liberal Democrats have been generally silent. The criticisms attached at Tab D all come from Democrats.

I suggest that you look carefully at the statements by Congressmen Stratton, Sisk and Zablocki and Senators Brooke, Baker and Muskie. All except Muskie make reference to the War Powers Act. Senator Brooke raises the issue of the White House not adequately consulting with the Congress. I find Congressman Zablocki's statements to be very interesting and helpful.

To date we have had very little Congressional reaction to the casualty reports. Once those are firm we may see some resistance but we will monitor that and keep you informed.



BYRD, ROBERT - "I congratulate the President of the United States on the firmness with which he acted." Expresses pride in the Marines and the American people.

HELMS - Expresses great pride in the way the American people have met the challenge. It's time to lay aside partisanship and extend the hand of gratitude and admiration to the President who faced the crisis with courage and wisdom. "I, for one, am very proud of him today."

CURTIS - "The courageous and decisive action by President Ford will do more for the cause of liberty around the world than all of the diplomatic negotiations and conferences that have been held in the last few years and will be held in the next few years."

CRANSTON - Supports the firm and resolute action taken by President Ford. It was appropriate.

TOWER - President acted expeditiously and with resolve. Had he waited longer we may not have been able to rescue the crew of the vessel. President's action will do much to resolve U.S. credibility and confidence of our allies.

GARN - Dominoe theory is now established as fact and seizure of the Mayaguez brought on by a military imbalance in S.E. Asia. Any further reductions in U.S. military power must be mutually balanced. President gave a clear and decisive signal to the world.

DOMENICI - Inserts in record copy of his telegram to the President to take whatever steps are necessary to retrieve ship and crew. Commends President for action taken.

BYRD, HARRY - May 14, 1975 - A red letter day in the official life of President Gerald Ford. Commends President for saving crew. Had he delayed men would be on Cambodia mainland and very difficult to retrieve.



BROCK - Appreciates courageous step of President in restoring integrity of U.S. in the world. Woke up this morning with a prayer of Thanksgiving for the President of the United States.

RANDOLPH - Inserts two statements issued May 13 and May 14. First statement calls for aggressive diplomatic efforts to obtain release of ship. Second statement says President Ford acted properly and the military operation was necessary. President exercised constitutional authority with effective results.

HANSEN - Country is solidly behind President. If U.S. were not most powerful nation on earth President could not have succeeded.

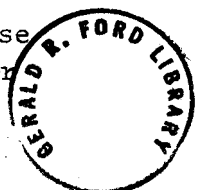
STONE - Under illusion of detente with China, President asked China for accord and intervention to free Mayaguez and crew. Our country heard thunderous silence in response.

FONG - "Who can truthfully say it does not matter to us in America whether all of Southeast Asia goes Communist." Relieved at President's prompt and vigorous action.

BROOKE - Presumes decision to use force came only after careful evaluation of options available. He is convinced we must restore any lost creditability, but believes it can be better accomplished through sophisticated diplomacy. Also, reflects expressions from some of Congressional leadership that they were informed rather than consulted. Believes better communications needed in the Congress and between Executive and Congress. Has requested information regarding Mayaguez incident from Secretary Kissinger.

BAKER - The President chose wisely and well and acted within the scope of his constitutional and statutory authority within the framework of the War Powers Resolution. The precedent established by President's action will serve the nation well in the difficult times ahead.

GLENN - It is important to remember, amid feeling of relief, those who died. The Marines performed a mission in the best "Semper Fidelis" tradition.



BROOMFIELD - President made "tough decisions coolly and decisively" and Congress set aside partisanship. World saw an America which commanded admiration and respect. White House adhered scrupulously to War Powers Act.

MICHEL - Commends some on other side of the isle who now applaud President but who until yesterday were pretty timid suggesting delay, more patience and more consultation.

SIKES - President has shown world America does have courage to stand by our principles. Communists understand tough language "America can now hold its head high again."

EDWARDS, JACK - "I am very proud of our country and our President today." He tried diplomacy and when it failed a show of strength was required and President Ford did not flinch. He should be commended for his sound judgement.

YOUNG, C. W. BILL - After too long exercising diplomatic and military restraint President Ford has drawn the line. He has restored our national pride and confidence in the U.S.

FUQUA - President's decisive action will prevent repetition of such acts in future. This is what American policy should be - firm, forceful and fair.

DANIEL, DAN - President's action will "reestablish our country's credibility around the world. His performance was in the true American tradition, and reflects credit upon the American people and upon himself.

STRATTON - Congratulates President for firm, aggressive and successful leadership. Most impressed that "President did consult with the leaders of Congress every step of the way. In addition, there were substantive briefings of other members of Congress."



GOLDWATER, BARRY, JR. - President avoided another Pueblo affair and Marines, Air Force and Navy were superb. President's action proves VietNam not indicative of loss of U.S. courage and determination. President's action was balanced, timely and appropriate.

MONTGOMERY - "It is great to be an American." Congratulations to President Ford for necessary and successful military operations.

SISK - Commends President for acting "with deliberation, yet with boldness and firmness..." As an author of War Powers Act deeply pleased that "Mr. Ford complied fully with the act by keeping Congress completely aware of all actions taken..."

GONZALEZ - Events of last few days are dramatic reminder of need for U.S. to be prepared. These events prove we don't have time to gear up and get ready at a leisure pace.

ALEXANDER - Enters telegram into record to President applauding his efforts to protect rights of American vessels to safe transit on high seas.

ZABLOCKI - Seizure was serious violation of international law. President's action showed wisdom, prudence, caution and yet firmness. Commends President. "President has properly filed prompt report appropriately in compliance with section 4(a) (1). While such a 4(a) (1) report would normally activate the section 5 and succeeding "congressional action" procedures of the resolution, the fact that our troops are disengaged from the situation makes that a moot point. However, if such congressional followup action were in order, I, for one, would vote in favor of a resolution supporting the President's action."

BAUMAN - Compared to vacillation surrounding Pueblo, President Ford decisiveness to retrieve Mayaguez is commendable.



FLYNT - Commends and supports the President who "acted with courage and wisdom." President's actions show will and capability of U.S. to resist blatant acts of aggression.

FINDLEY - President acted entirely within his constitutional authority by using military force to protect U.S. lives abroad. Rejoices in success of President in rescuing both ship and crew. Suggests the entire incident be placed before International Court of Justice in the Hague.

FASCELL - President and NSC should be congratulated for a job well done. Some lessons should be reviewed; system of evaluating dangers to our Marines; relations with Thailand; adequacy and timeliness of Presidential - Congressional consultations.





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House of Representatives

PRESIDENT'S ACTION SHOULD BE PRAISED

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, the swift and decisive action of the President of these United States in connection with the pirating of the American ship *Mayaguez* will serve to prevent repetition of such aggression and the serious consequences of such acts.

An American merchant ship has the right to sail on the high seas and this Nation has an obligation to protect that right.

This is what American policy should be—firm, forceful, and fair. We were not the aggressors, we sought no territory, we sought only to regain possession of an American ship and the release of American sailors who have a right to expect protection from their fellow Americans.

Had this act been allowed to go unchallenged, there would have been others. Our actions in this instance were both firm and decisive. Our ship had been seized on the high seas, an affront to international law and to all men everywhere—although certain narrow-minded elements fail to recognize the larger implications.

Let us hope that the issue has been joined.

If there be recurrences, let us pursue this same policy. Let us never use force in anger, but let us never fail to use force to preserve world peace.

Perhaps out of this tragedy the world will have learned valuable lessons.

Those who have been called upon to make the supreme sacrifice should not be allowed to have made that sacrifice in vain. Let this be the foundation of our foreign policy. We will walk to the ends of the Earth in search of peace, but we shall also use our defensive might to protect the rights of Americans to sail the high seas.

THE PRESIDENT'S ACTION IN "MAYAGUEZ" RETRIEVAL IS TO BE COMMENDED

(Mr. DAN DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAN DANIEL. Mr. Speaker, the action by the President earlier today in Southeast Asia will reestablish our country's credibility around the world.

His performance was in the true American tradition, and reflects credit upon the American people and upon himself.

COMMENDATION TO PRESIDENT FORD FOR FIRM AND SUCCESS- FUL LEADERSHIP IN "MAYAGUEZ" INCIDENT

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, I want to join with my colleagues this morning in expressing my congratulations and commendation to the President of the United States for the firm, aggressive, and successful leadership which he has taken in the *Mayaguez* incident. I think this is one of the few high points that we have had in our foreign and military policy in the past few months, and I am delighted at the outcome. I think the action the President has taken demonstrates, first of all, that in spite of all our difficulties in Vietnam, we can be firm when we have to, and we do have the will to exercise our military power in the defense of our own interests when the occasion demands.

The thing that has impressed me most in this incident is that the President did consult with the leaders of Congress at every step of the way. In addition, there were substantial briefings of other Members of Congress. Mr. Speaker, I believe we have here in this case a clear demonstration of the kind of cooperation that should exist between the Congress and the White House on foreign policy. It was successful this time, and I hope it continues in the months and days ahead. The handling of the *Mayaguez* case should demonstrate clearly to the rest of the world that Americans cannot be pushed around, and that we can and will respond promptly and firmly to all challenges.



THE "MAYAGUEZ" AFFAIR

(Mr. FLYNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FLYNT. Mr. Speaker, with the confirmation that the United States has retaken the *Mayaguez* and successfully rescued its crewmembers, I want to commend the President and express my support for his prompt and forceful response to an intolerable act of piracy.

I supported the President in his efforts to secure release of the *Mayaguez* through diplomatic efforts, but when these diplomatic efforts proved fruitless, he acted with courage and wisdom in his decision for decisive military action.

As a result of the President's decisive action, the lives of the captured crewmen have been saved, and the United States has exhibited in the strongest possible terms that we are a nation that has both the will and the capability to resist blatant acts of aggression promptly and effectively. I am confident that had the President not responded with promptness and force as he did, the United States would have become involved in a series of similar humiliating incidents, and I commend him and our American forces for their service to our country.

SS "MAYAGUEZ": PROUD NEW CHAPTER IN AMERICAN HISTORY

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, a difficult and dangerous moment has been turned into a proud new chapter in our history.

From the President, who made the tough decisions coolly and decisively, to the Congress, which set aside partisanship to provide unified support, to our combat forces who carried out a dangerous and difficult operation with courage and precision, the world saw an America which commanded its admiration and respect.

By our strong but measured response, we showed our allies and enemies alike that we can still unite as a nation and respond to a clear and arrogant threat to our interests in a bold but responsible manner.

In one convincing action, the President has reaffirmed our willingness to fight for our commitments and reinforced the freedom of international sea lanes for all nations of the world.

Through all of the incredible pressures of the crisis, the White House adhered scrupulously to the requirements of the War Powers Act in keeping the Congress apprised of developments involving the commitment of the U.S. troops to combat. I was very pleased with the close and careful consultation the White House offered the Congress.

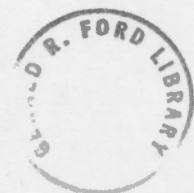
SS "MAYAGUEZ": A SUCCESSFUL OPERATION

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I just want to commend those gentlemen from the other side, particularly the reasonable voices in this House who have risen to applaud the President for the strong action he has taken within the last several days. Up until late yesterday there were some pretty timid voices being aired publicly around the country, particularly from the other body, suggesting delay, more patience, more consultation. If we had gone that course everything would have been lost. So I commend those who have stood firm here in support of the President today.

I would also further suggest that in view of our not being as welcome as we once were in some of these countries around the globe, we do well to maintain our superiority in air and sea power. The oceans are broad and expansive and as good as our carriers are we certainly cannot afford any further cutbacks and maintain our security. More than ever we need this flexibility.

In consideration of the Armed Forces procurement bill later on today, I think we would do well to keep this in mind.



SS "MAYAGUEZ": EFFECTIVE WAY OF DEALING WITH IRRESPONSIBLE ACTION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record.)

Mr. SIKES, Mr. Speaker, the President took forthright action in putting down an act of piracy committed by an irresponsible government in seizing an American ship and its crew. It was obvious that the new Communist government in Cambodia felt that it could take its turn in twisting Uncle Sam's tail without repercussion. They expected to keep the ship and extort a king's ransom for the crew. They even attempted a typical Communist face-saving maneuver by ordering the ship and crew out of their waters after it had been recovered by U.S. forces. Even their own people know that you cannot believe what Communists say.

President Ford has shown the world America does have the courage to stand by our principles. This time we remembered there are effective ways to deal with irresponsible actions. The Communists understand this language. The American people will applaud. Hopefully, this is a sign of new policies and new concern for America's world stature.

America now can hold its head high again.

THE "MAYAGUEZ" AFFAIR

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, I am very proud of our country and our President today. When the chips were down, we did not shirk our responsibility in a time of crisis.

The President did a superb job of dealing with a very tense situation concerning the Cambodian seizure of the *Mayaguez*. He tried every diplomatic avenue, but when these avenues turned out to be deadend streets, he moved decisively with a restrained use of our military forces to protect American lives and property.

It grieves me that American lives were lost in this operation, but do not tell me that there might have been a better way. Let us have no Monday morning quarterback on this one. The time came when a show of strength was required and President Ford did not flinch. He displayed on our behalf a national resolve to take swift and appropriate action. If Vietnam was a low point for the United States, then the recapturing of the *Mayaguez* and the saving of all its crew is certainly the first step on the road back.

Someone has referred to the tyranny of the weak and the weakness of the strong. It's easy for a small upstart of a country to flex its tiny muscle and attempt to inflict damage and embarrassment on a powerful country like the United States. It is not so easy for the strong nation to respond in a firm but measured way.

I think we met the test. We could have acted like a helpless giant, as we did in the *Pueblo* affair, or we could have blown Cambodia off the face of the earth. I believe President Ford's strong, decisive, and prompt response was appropriate for the situation and he should be commended for his sound judgment.

FORD BOOSTS AMERICAN MORALE

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, President Ford's bold and courageous action in sending Marines to retrieve the *Mayaguez* and her crew from the Communist pirates has given American morale a much-needed shot in the arm.

For too long, we have suffered the indignities perpetrated on our Nation by foreign aggressors.

For too long, we have exercised a diplomatic and military restraint in the face of repeated provocation, a restraint which has weakened our global image and our national pride in being the leader of the free world.

For too long, we have been forced to sit helplessly by as our ships, our men, our properties have been seized by others.

President Ford has at last drawn the line. He has made it clear to the rest of the world that we have had enough, and that we will no longer tolerate these aggressions against our Nation.

By acting swiftly and decisively, he has retrieved not only the *Mayaguez*, but also our national pride. He has restored confidence in the United States as the greatest Nation in the world, a nation willing to stand up for itself and its citizens.

I applaud the President for his action, and say that I am always proud to be an American, but today for some reason, that feeling is just a little something extra.



May 15, 1975

THE "MAYAGUEZ" AFFAIR

(Mr. GOLDWATER asked and was given permission to address the House for 1 minute.)

Mr. GOLDWATER. Mr. Speaker, the Congress should be proud of the way in which President Ford has handled the *Mayaguez* hijacking. His firm, measured response to an obviously illegal act that threatened the freedom on the seas was most appropriate. The credibility of the United States was at stake in this affair. Dilatory action by the United States clearly could have led to another Pueblo-type debacle.

I am especially relieved that all 39 crewmen of the *Mayaguez* were safely recovered. The faith and confidence of their families and loved ones have been rewarded. And, their safe recovery was accomplished in a manner in which the entire Nation can be proud.

It is a sad commentary that the recovery of our crew and vessel seized in an act of piracy cost the lives of two U.S. marines and resulted in several casualties. The Marines have long been proud of their "first in, last out" tradition. They again lived up to that tradition and demonstrated that in the defense of liberty and freedom they are always willing to pay the necessary price. Further, the actions of the Navy and Air Force made the recovery of the ship and crew possible and clearly minimized the risks and loss of life throughout the entire operation.

President Ford's actions have clearly demonstrated that the recent events in Vietnam are not indicative of a general loss of American courage and determination. His decisiveness has reinforced the international credibility of the United States. It is to his credit that the entire operation was balanced, timely, and appropriate. I commend him for his handling of the whole incident.

IT IS GREAT TO BE AN AMERICAN

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, it is great to be an American.

My congratulations to President Ford and the U.S. military for this necessary successful military operation.

Let other nations around the world take notice that America is still strong and will stand up for what is right.

I offer my condolences to the family and loved ones of those Americans who lost their lives.

THE "MAYAGUEZ" AFFAIR

(Mr. SISK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SISK. Mr. Speaker, I wish to lend my full support to President Ford in the actions he authorized to free the American merchant ship *Mayaguez* which was seized by the new Cambodian regime.

Mr. Ford acted with deliberation, yet with boldness and firmness in freeing the ship and protecting its crewmembers. His actions should be clear evidence to all in the world that this Nation is prepared to protect its citizens and its property.

At a time when many are questioning the resolve of American foreign policy or its willingness to stand up to its aggressors, Mr. Ford did not hesitate to place the full military weight of this Nation behind a decision which was right and proper.

There should be no doubt in anyone's mind that this Nation will not be pushed around, and that we are prepared to use whatever force is necessary to protect American lives and property.

I commend the President, and I think we all owe him our thanks.

As one of the authors of the War Powers Act, I was deeply pleased to see that Mr. Ford complied fully with the act by keeping Congress completely aware of all actions taken to free the *Mayaguez* and its crewmembers.

The President and the U.S. Armed Forces acted boldly and in the best interests of this country. We should stand behind them.

THE NEED TO BE PREPARED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, during the past couple of days we have had once again a dramatic reminder of the need to be prepared. It is a lesson we seem incredibly prone to forget—despite Pearl Harbor, despite the lightning emergency of the Yom Kippur war, and despite even the most recent emergency at sea, involving the ship *Mayaguez*. That incident is not even over yet, as we debate this bill.

What all these emergencies prove, and what we can never forget, is that we do not have the time to gear up and get ready for action. There is no time for planning, for a leisurely preparation. Our military forces have to be ready, willing, and able to act in an emergency. What is more—and even more important, we have to be able to maintain action. We have to have not only strength to act, but strength to continue to act, for as long as need be, to protect our people and our interests, wherever they are challenged.

Yet, I see in this bill a less than adequate response to that kind of need.



ALEXANDER SENDS TELEGRAM TO PRESIDENT FORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, yesterday I sent the following telegram to President Ford:

The Honorable GERALD R. FORD,
The President of the United States,
The White House,
Washington, D.C.

DEAR Mr. PRESIDENT: I applaud your efforts to protect the rights of American vessels to safe transit on the high seas. Our allies and adversaries alike must be assured that the United States will defend the lives and property of Americans.

Safety of world commerce is vital to the U.S. as well as other nations and acts of piracy must be met with appropriate force to discourage a continued deterioration of global stability.

Sincerely,

BILL ALEXANDER,
Member of Congress.

PRESIDENT FORD'S COURAGEOUS DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 5 minutes.

Mr. ZABLOCKI. Mr. Speaker, the seizure of the American merchant ship, the *Mayaguez*, by a Cambodian naval vessel earlier this week, was a reprehensible and serious violation of international law. As a result of this provocation, the situation over the last few days has indeed been tense, sensitive, and serious. Wisdom and prudence was on the side of acting with caution and yet with firmness.

I commend President Ford and our Nation's leaders for making the courageous decision to retrieve the seamen and the freighter, *Mayaguez*, albeit a calculated risk was involved. It is with pride and appreciation that I join in praise and congratulations to our troops for the valor and courage they have demonstrated in the operation. We are especially pleased that the ship's entire crew was rescued, including a fellow Wisconsinite, Mr. Salvatore Puntillo. I join with his family and friends in the joy of his safe release.

At the same time, we sincerely regret the loss of any U.S. Marines and those injured in the operation, and join in sympathy to their loved ones. The American people are greatly indebted to and grateful for their sacrifice.

It is our sincere hope that this bold and successful action will prove to be a lasting deterrent against future similar acts of piracy and other potential violations of international law.

Regrettable as were the circumstances necessitating this reasoned use of force, one clearly positive aspect of the situation is that the worth of the war powers resolution has once again been demonstrated. Among other considerations, the President has properly filed a prompt report appropriately in compliance with section 4(a)(1). While such a 4(a)(1) report would normally activate the section 5 and succeeding "congressional action" procedures of the resolution, the fact that our troops are disengaged from the situation makes that a moot point. However, if such congressional followup action were in order, I, for one, would vote in favor of a resolution supporting the President's action.

AMERICA CAN BE PROUD

(Mr. BAUMAN asked and was given permission to extend his remarks at this point in the Record.)

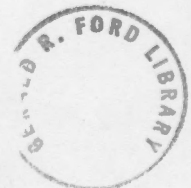
Mr. BAUMAN. Mr. Speaker, the President's handling of the seizure by Cambodia of the American merchant ship *Mayaguez* has been in marked contrast to the way similar incidents have been handled in the past. After giving diplomatic negotiations a reasonable opportunity to work, we went in with a well-planned, well-executed military operation, and successfully took back the ship and its crew. This success have given many of us a renewed pride in the United States, a pride which it has sometimes been difficult to feel in the recent past. Believe me, Mr. Speaker, it feels good to be proud of your country.

Compared to the vacillation which followed the capture of the *Pueblo* by North Korea, the decisiveness with which President Ford acted to retrieve the *Mayaguez* is commendable. In a world which had ample reason to doubt the will of the United States to protect its own interests, the President has demonstrated that we will not tolerate piracy of our ships or kidnapping of our citizens. One shudders to think what the consequences might have been had the President not acted quickly. I am grateful that he did so.

Perhaps this decisiveness will be a turning point in American dealing with other countries. Our desire for détente and disengagement has led some people to wonder whether we were on our way to becoming patsies for the world. Hopefully the resolve and decisiveness displayed in the *Mayaguez* incident will soon be reflected in the way we approach such problems as Cuba, the Panama Canal, Portugal, and relations with other Communist countries.

For the U.S. Marines who conducted this successful operation I have nothing but admiration and congratulations. Their courage under fire validates the proud tradition of the Marines as some of the finest fighting men in the world. The U.S. Navy is also to be congratulated for its outstandingly skillful handling of a difficult situation.

Thank you, Mr. President. All Americans can hold their heads just a little higher today.



WORLD COURT SHOULD SETTLE LEGAL ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, I rejoice in the success of President Ford's action which led to the rescue of both the ship and crew off Cambodia.

The action entailed great risk but at stake was a great principle—freedom of the seas. If the United States, as one of the two world superpowers, had equivocated in dealing with this act of piracy, the safety of all ships at sea would have been jeopardized.

In my opinion, the President acted entirely within his constitutional authority. He is called by history, tradition, and the Constitution to use military force to a reasonable extent to protect U.S. lives abroad. Considering what was at stake in terms of principle, the use he made of military force was reasonable.

The President could wisely take a further step related to this incident. He could give even greater standing to the principle of freedom of the seas, and the underlying concept of the rule of law not force in international affairs by inviting Cambodia to join the United States in placing any and all legal issues which may arise in connection with the incident before the International Court of Justice at the Hague for adjudication. The United States should offer in advance to accept the judgment of the court.

Cambodia has already made allegations against the United States of espionage, provocative action, violation of territorial rights. No doubt Communist propaganda mills will grind out other charges. The world will be watching to see how we respond.

By inviting Cambodia to join in letting the Court settle all such issues, our Government would effectively disarm its critics.

The United States is the world's foremost exponent of the rule of law. Here is an opportunity for the United States to prove it means what it says.

The rescue was an exercise in power, and, in my view, a prudent one. The referral to the Court would raise the issue to an even higher plane and prospect. It could open a new era in which disputes between even the greatest and smallest of powers are settled ultimately by the application of legal principles and conventions.

For all these reasons, I have transmitted this recommendation to the appropriate officials in the State Department.

WELL DONE

(Mr. PASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PASCELL. Mr. Speaker, President Ford and the officers and men who planned, participated in and executed the successful operation to rescue the U.S. vessel *Mayaguez* and its crew are to be congratulated on a job well done. The task and the decisions that had to be made were exceptionally difficult. The success achieved demonstrates clearly the resolution and ability of the United States to respond reasonably and effectively to dangerous and unanticipated events.

It is reassuring to know that at the decisionmaking level the legally constituted mechanism for crisis management, the National Security Council, met frequently. From their deliberations it would appear that under severe pressure only carefully considered action was approved. This should help restore confidence in the integrity and effectiveness of our governmental mechanism for crisis management—confidence which had been severely eroded.

As from any event there may be some lessons which we should learn from this incident. Among issues which should be pursued more fully in my judgment are:

The effectiveness of our mechanism for evaluating potential dangers to our merchant marine and the speed with which appropriate warnings are issued and protection provided;

Mutual obligations of the United States and Thailand in the situation and the impact of our operation on our long term policy interests in the area.

The adequacy and timeliness for Presidential-congressional consultations before and during periods of crisis.

It is my intention as chairman of the International Political and Military Affairs Subcommittee to pursue each of these matters. First, I intend to ask the General Accounting Office to study the adequacy of our system for protecting our mariners and minimizing the danger of future incidents like the one involving the *Mayaguez*. Second, the subcommittee will hold hearings following the Memorial Day recess on U.S. policy in the Far East and explore among other questions the issue of the implications of our actions for Thailand. Third, it is my intention to work with both the House leadership and the White House to reach a clearer mutual understanding of what is meant by consultations before and during foreign policy crises; who should be included in such consultations and what mechanisms, if any, should be formally constituted to facilitate cooperation, trust, and understanding between the President and the Congress which are vital in a moment of crisis.



Senate

THURSDAY, MAY 15, 1975

(Legislative day of Monday, April 21, 1975)

THE RETRIEVAL OF THE MAYAGUEZ

Mr. ROBERT C. BYRD. Mr. President, in respect of the military operation which took place yesterday and last night involving the retrieval of the U.S.-flag vessel the *Mayaguez*, I congratulate the President of the United States on the firmness with which he acted. I express my great pride in the Marines and in the various services that participated in the operation, and my gratitude that the operation was successful.

I also express my pride in the American people for the unity of support which they demonstrated in regard to this crisis.

IN PRAISE OF THE PRESIDENT AND THE ARMED FORCES

Mr. HELMS. Mr. President, today is one of those moments in history when all Americans should lay aside political considerations, and stand united in praise of those gallant men of our armed services who have demonstrated to the world that the United States has not discarded its sense of honor.

The full details of the retrieval of a merchant ship, flying the U.S. flag, are not yet available. But we do know that America, in the finest traditions of a nation born in courage, honor, and self-respect, has met the challenge of an arrogant and unlawful seizure of property and U.S. citizens. The ship and its crew are on the way home.

Early reports indicate that there may have been casualties among the American Marines sent to retrieve the ship and its crew. If that sad report is true, then this Senator extends his deepest sympathy to their families. But to all of the gallant men involved in this episode, I offer the heartfelt gratitude of what I am confident is the vast majority of Americans who yet realize the value of national honor.

So, Mr. President, let me say again that this is a day to lay aside partisan politics, and extend a hand of gratitude and admiration to the President of the United States, who faced this crisis with courage and wisdom. He will be remembered in history for his conduct in this difficult episode. I, for one, am very proud of him today.

THE NEED FOR A STRONG DEFENSE

Mr. CURTIS. Mr. President, I thank my distinguished friend. I congratulate him upon his statement. I congratulate him on his forthright position for the defense of the country.

I believe in the light of our disaster in Vietnam and other world factors that we should put as first priority improving and strengthening the defense of the United States of America. I believe that will save lives. I believe it will prevent war.

If the Senator will yield further, I join him in commending the President of the United States for his action in reference to the piracy by Cambodia of seizing a ship and American citizens on the high seas. The courageous and decisive action by President Ford will do more for the cause of liberty around the world than all of the diplomatic negotiations and conferences that have been held in the last few years and will be held in the next few years.

We have a responsibility not to be the world's bully but to be strong enough so we are respected. The nations of the world will respond to the United States when they realize what our position is, that it is sound and unwavering, and that they can depend upon it.

I do not suggest—in fact, I would oppose—any idea that the United States should go to war to correct every wrong around the world. We cannot do it. But we should never lend our influence to an injustice, and we should be strong enough so that when we take a position the freedom-loving people and the strong nations around the world will line up with us.

No one likes to bet on a losing horse. No one likes to buy stock in a company that is headed for bankruptcy. If we want ours, and if we want to preserve the peace of the world, we had better not be totally devoted to destroying our defense and adding to the welfare state, because if we do we will not have any liberty to enjoy.

The time has come for us to have a defense system that will give free men confidence everywhere, knowing that it will never be used to start a war, but will always be used in the cause of peace.

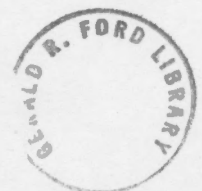
Again I commend my distinguished colleague, and I commend the President of the United States.

Historians will draw contrasts between this recent seizure and the seizure of the *Pueblo*. I shall not propose to do that. It will be done. History will render the verdict of what kind of actions preserve peace, save lives, and strengthen the United States and freedom around the world.

Mr. CRANSTON.

I join with the Senator from Nebraska (Mr. CURTIS) in supporting the firm and resolute action taken yesterday by President Ford in saving the lives of American citizens in the Cambodian incident and in retrieving the American ship which was seized on the high seas by the Cambodian Government.

President Ford was faced with a very difficult decision. I think the action he took was appropriate, and one which is in the best interests of the United States. I commend the President.



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May 15, 1975

A RED-LETTER DAY IN THE OFFICIAL LIFE OF PRESIDENT FORD

Mr. HARRY F. BYRD, JR. Mr. President, in the judgment of the senior Senator from Virginia, Wednesday, May 14, 1975, was a red-letter day in the official life of President Gerald Ford.

The Senator from Virginia earlier commended President Ford for his firm and resolute action in retrieving an American ship which had been taken over on the high seas. I commended him for his action in saving the lives of 40 American crewmen.

If the President had temporized, if those crewmen had been taken to Cambodia, it would have been very difficult or impossible to have saved them if the Cambodian Government was determined that they would not be saved.



A REESTABLISHMENT OF
INTEGRITY

Mr. BROCK. Mr. President, I appreciate the generosity of the Senator from Idaho.

I would like to associate myself with the remarks of the Senator from Wyoming. I appreciate his candor and his courage in speaking forth. I thoroughly agree with what he has had to say. I must say that I woke up this morning with a prayer of thanksgiving for the President of the United States. I believe he took an enormously courageous step in reestablishing the integrity of this Nation after it has been much battered in recent weeks and years. I, for one, want to say that I not only appreciate his courage and his leadership, but I am deeply grateful that that man was in that office at that particular time to act in the interest of the American people.

We simply must learn the lesson of history. We have a talent for forgetting it. We made a horrible and unforgivable mistake about 6 years ago when another naval ship of the United States was seized. We lacked the ability, the will

or whatever to respond. As a result, we had a major breach of our national security that has damaged this country extensively and will continue to do so in years to come.

This time we acted in a different fashion. National security was not involved in the direct sense of the ship. But national security was very much involved in the sense that this Nation is the only thing that stands between mankind and the return to the dark ages of slavery. It is about time we knew that, because the rest of the world understands it and understands it very clearly, both friend and foe alike.

A sense of relief has swept not only the people of the United States but the people of the free world at the reassertion of American will, integrity, and principle. It is a remarkable and refreshing thing to behold. I believe the President deserves our thanks and our prayers for his continued efforts in this regard.

I know the families of 39 or 40 men feel this way, but I think 220 million Americans feel the same way. I appreciate it.

I do believe there is one lesson to be learned, and that is this: We have allowed the lapse of our national security forces to the point where we could very quickly, in the next few years, come into fundamental jeopardy. We might not have saved those men. It was very close as to whether or not the *Coral Sea* and the attendant naval vessels could get there in time to save not just the ship, because that was not consequential, but 40 American lives, to act in the interest of American nationals wherever they might be.

We have allowed our Navy to become much weakened. We are at the lowest level of funding since 1951. It is about time somebody stopped talking about the increase in defense expenditures when we have had an absolute reduction in those expenditures for the last 5 consecutive years in constant dollars. That is a dangerous course to take. It is dangerous not just in Southeast Asia, but it is dangerous worldwide. If you want to look at a tinderbox, look to the Middle East where the 6th Fleet may be the only reason this country has not been involved in a war in that particular area. We were there when we had to be there, and we had the forces to be sure that other people were not there.

We do not have to look back before 1973 to remember the instance when the Soviet Union threatened to move in and the President decided as how they might have to climb over the 6th Fleet. They decided that was too high a mountain to climb.

Maybe we need to understand in this small instance just how essential the capacity for response to the national security is in an uncertain world. I hope and pray that the Congress will reconsider some of its actions to reduce not just our research and development, which I was discussing with the Senator from Ohio, but the hardware, the muscle, of our ability to maintain the peace. That is the fundamental question—not how to engage in war but how to maintain the peace. You do it through strength, through integrity, through action on principle rather than expediency. That is what the President of the United States demonstrated with great clarity in the last 24 hours. I, for one, am humbly and deeply grateful that we had a man of his integrity and capability in that office in these hours. For myself, I want to extend my gratitude to him.



PRESIDENT FORD ACTS IN "MAYAGUEZ" RECOVERY WITH EFFECTIVE RESULTS

Mr. RANDOLPH. Mr. President, on Tuesday morning, May 13 I released the following statement, as follows:

The seizure of the *Mayaguez* by the Cambodians is an act of piracy, as correctly described by President Ford. I support his instruction to the State Department to demand the immediate release of the ship which flies the flag of the United States.

Until all the facts surrounding the seizure are known, I do not advocate a particular course of action. However, aggressive diplomatic efforts to secure release of the vessel and her crew must be pursued.

Mr. President, on this morning, I released a second statement, as follows:

Americans approve of the successful recovery of the *Mayaguez* and its crew. I believe President Ford acted properly and that the military operation was necessary.

Our President has exercised his constitutional authority with effective results.



THE RESTORATION OF CONFIDENCE IN AMERICA

Mr. HANSEN. Mr. President, millions of Americans today are proud of the courageous correct action President Ford has taken to retrieve the *Mayaguez*. This has done more to restore confidence in Washington and to repair the tarnished image of America worldwide than any event of the past year.

This country is solidly behind the President. The effect of that action has been to reestablish in significant degree world respect for the United States.

Mr. President, without the strong defense establishment maintained by the United States, it would have been impossible to even contemplate retrieving the *Mayaguez* by force. If the United States were not the most powerful nation in the world, the President would not have been able to make the decision he did to take positive action, as confidently or as expeditiously as he did. Obviously, no other nation stood ready to come to the rescue of the *Mayaguez*. The world knows that this is a powerful nation that views power as an obligation and not a privilege, and that has been pointed out a number of times on this floor today already. This is a Nation that does not abuse the power it has. The President could, because we have this power, with great confidence, order the action necessary to retrieve this American vessel, without fear of interven-

tion by those who have chosen to ally themselves with the new, reckless and naive Government of Cambodia. The *Mayaguez* incident is further strong evidence against ever allowing the United States of America to become a second-rate military power.

I would like to take his occasion to compliment the distinguished Senator from Ohio for calling attention, specifically, to some of the illusions that I think all too many Americans suffer in these days. Those illusions are believing, without facts to back the beliefs, that all is well, despite the fact that, in terms of real dollars, we have been cutting back on the military budgets of our country, in my opinion, for all too long.

Congress—and only Congress—can insure that America remains No. 1.

The President has the constitutional responsibility as commander in chief to see to the national security. We applaud along with Americans all over this country today—President Ford for his ability to act resolutely, courageously and quickly. In the long run, this kind of affirmative action will enhance world peace and promote respect for the rights of others.

America, by virtue of this action in Cambodia, serves notice on the rest of the world that we have been misjudged badly should our withdrawal from Indochina be thought indicative of a failure to stand for principle throughout the world.

The retaking of the *Mayaguez* and the recovery of its entire crew is the kind of definitive action, as all military history has proved time and again, that saves lives, makes less likely the possibility of war, and encourages respect for the rights of others.

Mr. President, I have been somewhat disturbed and saddened by some reports that came across in the media this morning of criticism of the President for not having consulted sufficiently with the leadership of the Congress. I have heard in recent days and weeks that there are those in this body and in the other body, and I think it includes people on both sides of the aisle, who have position papers prepared that anticipate the President's actions on significant issues that he will have to face so as to be ready with an immediate response no matter which side of an issue he comes down on, criticizing him and trying to undercut the leadership that he has displayed.

I do not know whether that is true or not. I could not state, as far as my personal knowledge is concerned, that it is true. But I say, Mr. President, as I read and follow what takes place, and the criticisms that are made from time to time by people who first attack the President from the right, and then from the left, it seems to me that there is some rather compelling evidence to indicate that that is the case.

If that is the situation, and I must admit that it seems that it could be, I am saddened by it. This would seem to me to illustrate a lack of responsibility, a lack of dedication and a lack of commitment to our country that ought to come first.

I believe, Mr. President, that putting such a high priority on personal political considerations does not serve our Nation well. We could all serve America better. In the long run it would be smarter politics, though I am certainly in no position to advise my colleagues as to the astuteness of a particular political position. But I do not think the typical American is as uncomprehending or as easily misled or deceived as some people seemingly conclude he is by virtue of the statements that they make.

These are tough times. They are times when we all know by virtue of the tragedy that occurred in Indochina, that America, more effectively to discharge the leadership role which it has, needs to have, first, a restoration of confidence in the minds of Americans in the leadership of America. Second, we need, as one people, to reassert the kind of decisive action, the ability to reach a conclusion and to take a course of action, that will command the respect and admiration of the rest of the world.

I am lecturing no one in particular, Mr. President. But I hope that despite the impending 1976 Presidential elections, it could be understood, that the more than 200 million Americans at home, in every hamlet and city of this country, want to have this country's actions and this country's future placed first and above every other consideration.



FOREIGN POLICY AND NATIONAL DEFENSE

Mr. STONE. Mr. President, under the illusion of détente with China, our President asked for accord and intervention to free the *Mayaguez* and its crew; and what our country heard in response was a thunderous silence.

For us to rely on the good will of Soviet adversaries in the face of repeated incidents worldwide and over recent years indicating with total clarity an attempt to weaken the free world or the West will invariably be seized upon to the height of folly on our part.

IMPROVEMENT AND STRENGTHENING OF THE DEFENSE OF THE UNITED STATES

Mr. CURTIS. Mr. President, I am happy to join with my colleagues this morning in speaking out for the improvement and strengthening of the defense of the United States.

What would have happened in the last few days if the United States had not had the equipment, the weapons, and the trained manpower to compel Cambodia to return not only a vessel but 41 citizens of America?

I raise my voice in praise of President Gerald Ford. He is a much bigger man around the world today than he has ever been in his life because he has shown leadership, he has been positive, he has been firm, he has served the cause of peace. He put an end to aggression, and he has served notice upon a world that is discouraged about what happened in Vietnam, and many of them about to lose confidence in America, and now they know that America is not through, that America does not fall on its knees and surrender to communism.

President Gerald Ford acted in the interest of the people. He acted in the interest of saving lives. It was successful. Millions of thoughtful and patriotic people throughout the United States will applaud what he has done.

Free people around the world will approve and many enslaved people, likewise, will applaud, because they say: "Here is a nation that stands for something."

ASIA AND THE PACIFIC VITALLY IMPORTANT TO AMERICA'S NATIONAL SECURITY AND ECONOMIC WELL-BEING

Mr. FONG.

Who now can truthfully say it does not matter to us in America whether all of Southeast Asia goes Communist. We did not have these incidents when Cambodia, Laos, and South Vietnam had regimes friendly to America.

I am relieved that President Ford's prompt and vigorous action brought about the safe release of the crew and recovery of our merchant ship, the *Mayaguez*, and also the release of the

Thai fishermen. I pay highest tribute to our valiant military personnel for their courage and their sacrifice.

THE "MAYAGUEZ" INCIDENT

Mr. BROOKE. Mr. President, the reports that the *Mayaguez* crew and ship have been rescued is extremely good news. That members of our Armed Forces perished in effecting that rescue brings deep sorrow not only to the families and loved ones of these men but to all Americans. Their death is a stark reminder, as if we needed another, that the resort to force always extracts a high toll.

The evidence is still inconclusive as to the exact nature of the incident. And before intelligent evaluations can be made as to the wisdom of the decision to resort to force, much more information is needed. I state this not by way of criticism of the President's action. I, for one, presume that it came only after a careful evaluation of the options available. I do believe, however, that a thorough inquiry into the decision to use force is in order, both to provide the American people with the relevant facts and to allow us to determine what actions can be taken to forestall similar events occurring in the future.

Such an inquiry, to be truly useful, requires careful attention to facts, rather than fragmentary reports and suppositions. Therefore, I have today submitted a list of questions to the Secretary of State regarding the *Mayaguez* affair. I ask unanimous consent that my letter to the Secretary be placed in the RECORD at this point.

The *Mayaguez* incident raises several larger issues.

First, I am convinced that we must restore any lost credibility. And we must do so in a much more sophisticated manner than simply emphasizing our military capabilities. While the latter may be necessary under extreme circumstances, it cannot be allowed to assume the predominant position it has in the past. Sophisticated diplomacy, a diplomacy indicating our recognition of our lessened preeminence in the international system and our inability to dictate the course of history, will become increasingly important as we seek to maintain the stability necessary for the protection of our vital interests.

Second, the manner in which the *Mayaguez* incident was handled by the Executive indicates that some improvement has taken place in the communication patterns between the Executive and the Congress. Nevertheless, expressions by some of the congressional leadership that they were merely informed rather than consulted indicates that further improvements are still needed. Moreover, the Congress has yet to institute adequate communications channels to enable the leadership to keep the membership sufficiently informed on the general aspects of evolving crisis situations. While one recognizes that a certain degree of confidentiality must be maintained, it is self-evident that a greater degree of communication is necessary within the Congress as well as between the Congress and the Executive.

The *Mayaguez* incident indicates that a respite from the entanglements of world politics will not be forthcoming for

our country. Our position in the world means that we will be called upon to shoulder continued burdens that will tax our strength and endurance. We cannot avoid such burdens. But we can begin to reassess the manner in which we will respond to them and, hopefully, evolve the capacity to limit the number of situations wherein force rather than diplomacy characterizes our response.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I have addressed to the Secretary of State today.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 15, 1975.

HON. HENRY A. KISSINGER,
The Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I am relieved to learn of the successful rescue of the *Mayaguez* crew and the ship. However, as you know, I deeply regret the deaths of several members of the armed forces. Their deaths are one more stark reminder that the resort to force always has a high price.

While I presume that the decision to use force was made after careful consideration of all available options, I am convinced that a thorough study must be made of the factors that led to that decision and subsequent events. Therefore, I would appreciate receiving an early response to the following questions:

1. Did the *Mayaguez* violate any territorial or sovereign rights of Cambodia?
2. What was the basis for our government's claim of the illegality of the seizure of the *Mayaguez* by the Cambodians? Specifically:
 - a. Was the island off of which it was seized a recognized possession of the Cambodian government?
 - b. How far off the island was the *Mayaguez* when it was seized?
 - c. What are the recognized limits of territorial control of waters off the islands in the area?
 - d. Do the Cambodians claim a 12-mile limit?
 - e. Does the U.S. government recognize only a 3-mile limit?
3. What cargo was the *Mayaguez* carrying at the time of its seizure?
4. What was the port of origin and the destination for this specific voyage of the *Mayaguez*?
5. What was the purpose of the *Mayaguez*'s voyage?
6. Was the *Mayaguez* an armed ship?
7. What had been the scope of our intelligence gathering operations in the area where the seizure took place? Was the *Mayaguez* in any way connected with such operations?
8. Was the *Mayaguez* in prior contact with the U.S. government aircraft or ships prior to the seizure? If so, what was the extent and nature of those contacts and for how long had they been established prior to the seizure?
9. What was the specific and detailed time frame and sequence of such events from the point of seizure, the demand for the return of the ship and crew, the requests for third party help and the time of the first U.S. attack?
10. When did the United States government first receive notice of the seizure, and what attempts were made at that time to communicate with Cambodian officials to register our protest and indicate our intentions to do what was necessary to obtain the release of the crew and its ship?
11. What attempts were made to obtain the intercession of third parties including the

United Nations to effect a diplomatic resolution of the incident? Exactly who was contacted, what was requested of each, and what was the timing of those contacts in relationship to the decision to resort to force and the actual use of force?

12. What, if any, communications were received, directly or indirectly, from the Cambodian government prior to their radio announcement that they would be willing to return the crew and the ship? What, if any, communications did we try to forward to that government prior to that announcement and prior to the use of force?

13. What exactly precipitated the initial attacks on the Cambodian naval vessels? Specifically:

a. Was there a Cambodian attempt to move the crew or the *Mayaguez* after the ship had been anchored off Tang Island?

b. How many of our reconnaissance craft had been fired upon and hit prior to our resort to force?

c. Were the Cambodian patrol craft that were destroyed or disabled moving toward the *Mayaguez* when they were interdicted?

d. Had the crew of the *Mayaguez* been removed from the *Mayaguez* prior to the time we initiated our use of force?

14. What were the targets of our attacks on the mainland? Did our attacks serve any immediate purpose directly related to the rescue of the crew and the ship or were they primarily punitive in nature?

15. What are the details regarding the deaths and injuries of members of our armed forces?

16. Had there been other reported incidents of harassment of other vessels by Cambodia prior to the seizure of the *Mayaguez*? If so, what were the instructions sent to all U.S. flag vessels to divert from the area?

17. How many combat forces and how many ships were actually involved in the rescue operations?

18. How many combat forces were landed on the *Mayaguez* and on Tang Island?

19. Were troops transported from Thailand for the operation contrary to the express requests of the Thai government? What communications were received from the Thai government in reference to the incident and the potential and now actual use of U.S. bases in Thailand as staging areas? What was the U.S. reply to Thai requests?

20. What was the degree of resistance encountered on Tang Island? How much ammunition was expended by our forces?

21. What were the number of U.S. and Cambodian casualties?

22. Exactly how were the crew members of the *Mayaguez* recovered? Were any of them harmed in any way? Were the crew members released by the Cambodians or were they actually rescued?

While my questions are many, I believe immediate answers will greatly facilitate the understanding necessary to make judgments both as to the wisdom of our response to the immediate incident and the manner in which we might prepare ourselves to respond to similar incidents in the future. I look forward to receiving your earliest reply.

Sincerely,

EDWARD W. BROOKE.



May 15, 1975

CONGRESSIONAL RECORD — SENATE

COMMENDATION FOR THE PRESIDENT IN REGAINING SS "MAYAGUEZ"

Mr. BAKER. Mr. President, I commend President Ford for the action taken toward regaining the SS *Mayaguez* and her crew.

I believe that the President's conduct in this matter was a careful mix of caution, diplomatic initiative and appropriate use of armed force pursuant to an entirely lawful and desirable purpose. In the wake of our disengagement from Southeast Asia, I think that firmness, particularly was required in the face of an act of aggression directed against an unarmed U.S. merchant vessel in the course of passage on an established trade route. The precedent established by the President's action, I believe, will serve the Nation well in the difficult times ahead.

The President chose wisely and well and, in my judgment, acted within the scope of his constitutional and statutory authority within the framework of the War Powers Resolution. I believe that the Nation and the Congress fully support the President's exemplary conduct.

REMEMBERING THE CASUALTIES AT KOH TANG ISLAND

Mr. GLENN. Mr. President, all Americans share the feeling of relief and pleasure that the *Mayaguez* crewmen and ship have been rescued.

But amid the euphoria surrounding this welcome event, it is important to remember that a few have died or been wounded so that others could be rescued.

The Marines sent to the ship and Koh Tang Island performed a very difficult mission representing the United States in the best "Semper Fidelis" tradition of the corps.

While many families receive the good news that loved ones are safe, others are receiving casualty notices. It is important that we remember both groups as we celebrate the successful conclusion of the *Mayaguez* incident.

"MAYAGUEZ" UNDERWAY

Mr. DOLE. Mr. President, all of us in this body are, of course, relieved at the news that the merchant ship *Mayaguez* is, at this moment, underway on its own power, manned by its own crew.

The fact that America will act with measured force and in timely fashion to insure the safety of her citizens has been asserted once again by the bravery, and the sacrifice, of U.S. military. We are all saddened by the news of casualties among the Marines who went in to the small island of Koh Tang to rescue the crew. Our sympathies extend to their families and friends and to their comrades in arms, and no words of gratitude any of us can summon would measure up to the debt each of us owes to these brave men.

TOO EARLY FOR GENERALIZATION

Mr. President, close as we are to the disappointing conclusion to our long involvement in Southeast Asia, it is too soon to attempt any major generalizations about the impact of this incident on the way in which other nations view the United States. I am hopeful that it will help erase any doubts that may have arisen about American resolve to use force when force is required and justified to protect American interests.

I believe it has done much to allay any misgivings that may have been entertained in this country or elsewhere about any of the recent congressional actions to limit Presidential ability to respond in an emergency. The President did respond. He did so and at the same time consulted with Congress and made such reports as required under the legislation passed in 1973, the War Powers Act.

I will admit, too, Mr. President, that it is a good and an accustomed feeling to find near unanimity among my colleagues for the first time since the early days of my experience in the Congress, over an American use of military force, however limited it may have been.

Though there seems to be an irreducible minimum of my colleagues who are prepared to criticize any assertive action this country may take in defense of its own interests, and who do so now in regard to this action, the overwhelming majority of American citizens from all walks of life, have shown enthusiasm in their support for these actions.

FORD MOVED DELIBERATELY

I believe President Ford did what he had to do. He moved deliberately after trying diplomacy first. But the first military engagements, which most of us learned about early yesterday, were motivated by the need to prevent the transfer of the American crew members to the Cambodian mainland. Any delay or over-cautiousness in that decision would have led to far greater complications. With Americans on the mainland, the analogy to the *Pueblo* situation would have been complete and our ability to take effective action to secure their release would have been severely restricted.

Only timely, prudent and firm action by the President in consultation with the National Security Council and the Congress prevented the repetition of that situation which would have been a tragedy for the crewmen and an embarrassment for the Nation.

AMERICA'S RESPONSE TO THREAT

Mr. President, this was one, rather isolated and in some people's mind perhaps a minor incident. But in my view, it is an example of how America must respond to any threat to her own interest. We cannot allow ourselves to be at the mercy of the whims and vagaries of small nations that may entertain illusions about our will or about their own abilities to confront us.

For, if we yield to small nations, or show indecision when they confront us, or accept the counsel of those who would have us be overcautious in dealing with them, then the message of our unwillingness to act in our own best interest will not be lost on larger nations, friendly or hostile.

We are strong. We are a guarantor still of world peace. We are what we are and we cannot be defensive or apologetic about acting to protect ourselves, our citizens or our interests.

The President, I believe, did what he had to do. And the vast majority of Congress, in giving him their enthusiastic support did what they ought to do.



Clifford Hansen

"Your courageous correct action to retrieve the Mayaguez did more to restore confidence in the Administration and to repair the tarnished image of America world wide than any event since you became President. This country is behind you solidly, and the rest of the world must respect the U.S. "

J. Glenn Beall

"You are to be congratulated for the carefully considered but firm steps. . . Your decisive action was not only clearly in the national interest but also serves as a signal to the other countries of the world that the U.S. will do its part to assure that thoughtless criminal acts do not interfere with the freedom of communication and commerce between the people of the world. "

Jake Garn

"I compliment you on the way you handled the entire affair. . . I am proud of you, I congratulate you, and I am encouraged by your action. "

Bob Dole

"The American people are grateful to you for your leadership and calm but deliberate firmness in the successful effort to secure ship. . . helped to erase doubts about America's resolve to act firmly when firmness is required. "

James Buckley

"This is just to express my great admiration for the manner in which you handled the Mayaguez situation. "

Wm Roth

"I applaud the firm, timely action you took to recover the Mayaguez and its crew. Your determination will protect American shipping and seamen from similar incidents. . . When I praised your action before an audience of several hundred in Delaware yesterday, they cheered loudly. "

Edmund Muskie

Commends the President for the effective manner in which he handled the Mayaguez incident. "I would also like to express my appreciation for your restraint in seeking to recover the ship and her crew through diplomatic channels before considering the use of force."



Howard Baker

"Congratulations on a difficult job well done.
I think that your actions . . . were at the same
time cautious, but firm, and certainly effective.
I fully support your decisions and I think the
country will profit from the experience. "



William Walsh Highly commends the President . " . . . demonstrates the type of take charge leadership this country needs. "

Bill Young Highly commends the President. "Your courageous and bold action has given American morale a much-needed shot in the arm. With one decisive stroke, you have restored the integrity and credibility of the U.S. in the world community. "

Manuel Lujan "I believe your decisive action is a sign of true leadership and was necessary. I applaud the steps you took to protect the life, rights, and property of American citizens. "

Floyd Spence "Your actions . . . were a credit to the Office of the President. Public reaction to your handling of this crisis proves once again that the American people will rally behind positive action and decisive leadership. "

George O'Brien "Congratulations on a job extremely well done. . . . your firm and calm resolve not to permit any further sacrifice of American men and materiel was in the best American tradition. "

Alphonzo Bell "I commend you most highly for the courageous and patriotic manner in which you resolved the incident. . . believe that anything short of the decisive and expeditious action taken would have had grave consequences for the future foreign relations of this nation, and you have my wholehearted support for your meritorious handling of this critical test of America's international policy. "

Kika de la Garza "Your actions on the incident have to be listed among the major decisions of any President. Your friends consider them as one of the greatest moments of Jerry Ford -- we are proud. "



Robert Bauman Expresses appreciation for the courageous action.
"I know that all Americans can take pride in our President's willingness to stand up for our national honor, as well as protecting the rights of our citizens."

John Rousselot Commends the President for taking the "correct action. . . The response has been overwhelmingly favorable. . . Your actions were necessary and your prompt decisive leadership is appreciated. . ."

Dan Daniel "The action you took will reestablish American credibility around the world. Congratulations, and best wishes."

Jack Kemp "You have made us proud of America and equally proud of our President."

G. Wm. Whitehurst "There is no doubt that you have restored an enormous amount of self-confidence to our people and respect for this Republic in the family of nations. . . Those of us who know you had absolute confidence in your ability to resolve the problem. . ."

John Murtha "Congratulations on your decisive handling of the very delicate and difficult situation. . . My compliments on an extremely well orchestrated operation which demonstrates the superior performance of American forces under capable leadership."

Joe L. Evins "As you know, success has 100 fathers while failure is an orphan. Congratulations Harry Truman Ford."



SENATE

NELSON - Does not question popularity of the President's decision. Questions if decision was right and he believes answer is no. These incidents are matters for negotiaton not force.

HATHAWAY - Shares with colleagues joy in knowing that Mayaguez and crew have been freed. Enters two articles in the record which he believes raise relevant questions. One is an editorial condemning action as barbarous piracy, the other that the action strongly condemns use of military force.

HOUSE

HOLTZMAN - "The President's resort to force in this case appears to have been illegal and unconstitutional. At best the whole situation reflects terrible intelligence. At worst it is a reflection of faulty Presidential judgment and overreaction."



May 15, 1975

THE "MAYAGUEZ" INCIDENT—
PRESIDENTIAL OVERREACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Ms. HOLTZMAN) is recognized for 10 minutes.

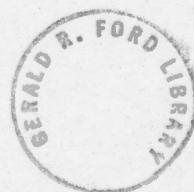
Ms. HOLTZMAN. Mr. Speaker, President Ford's decision to use force to free the merchant ship *Mayaguez* and its crew has resulted in needless bloodshed.

At the present time, the ship and its crew are in American custody, but at the cost of at least one marine dead, and many others wounded. The Pentagon expects the American death toll to rise as further reports come in.

The President's resort to force in this case appears to have been illegal and unconstitutional. At least five provisions of law specifically prohibit the involvement of U.S. military forces in combat "in or over or from off the shores of" Cambodia. Furthermore, under the war powers resolution, the President may engage in hostilities without the prior consent of Congress only in cases of an armed attack which constitutes an extreme national emergency. This was clearly not such a case.

Equally disturbing is that the use of military force in this incident, and the resultant casualties, appear to have been unnecessary. Diplomatic efforts were underway to recover the ship and its crew. Nothing would have been lost by waiting to see whether they would bear fruit. Indeed, according to the latest reports, at the very time the President was ordering marines into the operation, the Cambodian Government was announcing that it would return the crew of the *Mayaguez*. As the marines were invading Tang Island searching for the crew, the crew was already on its way back in a Thai fishing boat. At best the whole situation reflects terrible intelligence. At worst it is a reflection of faulty Presidential judgment and overreaction.

Let there be no mistake about it. We have won no "victory." We have proved nothing to the world, except that this President is willing—as were his predecessors—to make hasty and ill-considered use of American military force against tiny countries, regardless of the law, regardless of the cost in American lives, and regardless of the ability to achieve the same ends peacefully.



ON CAMBODIAN AREA MILITARY ACTION

Mr. NELSON. Mr. President, there is no doubt about the popularity of the President's decision to recapture the *Mayaguez* by force. Reaction around the Congress is near unanimous. I have no doubt the public response is the same. Hardly even a muted voice of doubt has been raised. After all our honor and dignity were at stake.

Nevertheless the real question still remains: Was our Government's action the right one? Did it serve the best interests of the Nation? I think not. Neither congressional nor public popularity is a reliable test of the soundness of important policy decisions. This is especially so in emotional and emergency situations.

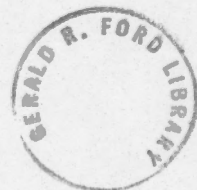
What vital national interest was at stake to justify such a precipitate and violent response? Was our ship in contested waters? Was it justifiable to land our Marines in Thailand without that government's consent? Did we need to sacrifice any of the lives of our soldiers, endanger the ship's crew and bomb a Cambodian airport in order to settle this dispute? The answer, I think, is no. We did not even bother to give the negotiating process a fair trial.

Of course it is an offensive challenge to any sovereign nation for its ships to be intercepted on the high seas. Nonetheless it is not a novel event. It happens from time to time in all parts of the world. It occurs with great regularity off the coast of South America where fishing boats are intercepted and hauled into port from as far as 150 miles into international waters.

Ironically, news reports state that our Government received a Cambodian statement offering return of the ship but the military action was already under way.

These incidents are matters for negotiations not force. The test of the strength and maturity of a superpower is better measured by its restraint in minor incidents such as this rather than a demonstration of the power the world already knows we have at our command.

Thus I dissent from the conventional wisdom that tells us we must prove our virility and maintain our credibility by responding with violence wherever and whenever we may be challenged, however minor the insult.



BARBAROUS PIRACY

Mr. HATHAWAY. Mr. President, I share with my colleagues and many Americans the joy of knowing that the merchant ship *Mayaguez* and her crew are now free.

Soon, we in the Senate and the public at large can expect to be told the whole story behind the ship's seizure; what diplomatic efforts were made to obtain the ship's release from the Cambodian Government, and the role the military played in wresting the ship and its men from the Gulf of Siam.

While waiting for this knowledge, I wish to bring to the attention of my colleagues an article which appeared in this morning's *New York Times* by columnist Anthony Lewis.

The writer makes some points that I consider vital to the issue of our foreign policies, particularly those concerning the nations of Southeast Asia. I ask unanimous consent that the article be printed in the RECORD.

I also ask unanimous consent to have printed in the RECORD the text of a telegram to the President from Robert V. Moss, president, United Church of Christ.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BARBAROUS PIRACY

(By Anthony Lewis)

The diplomacy of violence: That is still, then, to be our trademark. Once again an American Government shows that the only way it knows how to deal with frustration is by force. And the world is presumably meant to be impressed.

The Khmer Rouge were wrong and foolish to seize the American merchant ship *Mayaguez*, if the facts were as stated in Washington. They violated necessary norms of international behavior. We had reason to be concerned, especially about the fate of the crew.

But using a sledgehammer to crack a nut is self-defeating for nations as for individuals. Violent escalation of the conflict could hardly be expected to achieve the immediate aim of the crew's release; to the contrary, it might heighten the danger. More broadly, the military action showed a lack of that perspective expected of a great power—the perspective, in this case, recent history.

Imagine that in 1775 and for years after an enormously powerful state equipped with futuristic weapons had intervened in our Revolutionary War. From bases in Canada it rained destruction on the thirteen colonies. A million Americans; a third of the population, fled their homes; 300,000 were casualties.

When the war was finally over, how might the victorious Americans have felt about that foreign state? If one of its ships had sailed into what were claimed to be Americans waters, might we have been tempted to board and seize the vessel?

A comparison between America in 1775 and Cambodia in 1975 is not so far-fetched. The peasant society of Cambodia—today is hardly more advanced, technologically, than eighteenth-century America. Cambodia was just as defenseless against B-52's as the thirteen colonies would have been.

American planes dropped 250,000 tons of bombs on Cambodia between 1969 and Aug. 15, 1973, when Congress prohibited all U.S. military action in, over or on the waters adjoining Indochina. Between a third and a half of Cambodia's 7.5 million people became refugees. John Swain of *The London Sunday Times*, one of the correspondents recently evacuated, described the physical damage he saw as follows:

"The entire countryside has been churned up by American B-52 bomb-craters, whole towns and villages razed. So far, I have not seen one intact pagoda. . . . The war damages here [Kompong Chhnang], as everywhere else we saw, is total. Not a bridge is standing; hardly a house. I am told most villagers spent the war years living semi-permanently underground in earth bunkers to escape the bombing."

With that background, Americans should be slow to point a finger of moral disapproval at the Khmer Rouge. Nor can we rightly take a lofty position on the need to respect law. Washington has not reacted with force when Ecuador seized U.S. fishing boats more distant from shore than the *Mayaguez* was. And the American bombing of Cambodia was itself of dubious constitutionality.

The United States also bears a heavy responsibility for the political character of Cambodia today. If we had not invaded the country in 1970 and then intervened massively in her civil war, Prince Sihanouk would doubtless have returned to power soon with a left-leaning but more traditional regime. The Khmer Rouge movement would not have developed as it has, in all its hardened zeal. Most of the human suffering of the war would have been avoided.

The Khmer Rouge inherited a ruined nation. We are rightly horrified by accounts of the harsh measures taken. But after what has been done to them, are the Cambodians really to be blamed if they are xenophobic?

Those Americans who had a part in the savagery of our policy toward Cambodia over the years should be particularly slow to utter deploring pieties now. Secretary of State Kissinger, a principal author of the policy, has described events in Cambodia as "barbarous," "inhuman," "very tragic" and "an atrocity of major proportions." A man so steeped in the blood of Cambodians should have the shame to remain silent.

And now the insensitivity is in deeds as well as words. Once again we have to show the world how tough we are. The attitude of the teen-ager proving his manhood did not end with Richard Nixon's Presidency. Demonstrative violence is in fact a central element in Henry Kissinger's diplomatic philosophy. But how long must it be our country's?

How disheartening, too, to see the *Mayaguez* affair evoke from Congress the old jingo talk and calls for Presidential action. Senator Clifford Case, co-author of the 1973 ban on military action in Indochina, lived down to his reputation as a pusillanimous liberal by telling President Ford that he could ignore the law. Have we learned nothing from Vietnam about law and the Presidency? Have we forgotten that America had the world's respect when she stood for patience and magnanimity in human affairs?

TEXT OF TELEGRAM TO PRESIDENT GERALD R. FORD

My conscience requires me to make the following statement for communication to the members of the United Church of Christ and to the public at large:

If the United States is to have one shred of moral integrity left to it, we, the people of this country, must rise up and denounce our government's senseless use of military force against Cambodia. There is no justification for using force of arms to solve a problem that could be handled in a civilized manner through diplomatic channels and the force of world opinion. It is imperative that each of us demand an immediate end to the attacks being made by our armed forces in Cambodia. Even now we should utilize the United Nations and any other diplomatic channels that are open to Cambodia to redress the actions of the President and his military advisers which have placed this nation in an untenable situation.

ROBERT V. MOSS,

President, United Church of Christ.



THE WHITE HOUSE

WASHINGTON

Mayaguez

May 16, 1975

MEMORANDUM FOR:

RON NESSEN

FROM:

PHILIP W. BUCHEN

P.W.B.

If you are asked any questions about the remarks on NBC last night by Carl Stern which he attributed to me, here are some comments:

Stern asked me why the Congressional leadership was not consulted by the President on the final actions until 6:30 p.m. on Wednesday when the President had already made his decisions and issued an order to take the Mayaguez and Koh Tang Island and support the marine landings with tactical aircover and strikes at mainland military targets. I pointed out that not until the NSC meeting from about 3:45-5:30 p.m. on Wednesday did he receive the necessary information on which to base the decisions and that his orders for the operation had to be issued within that period in order to begin operation at dawn in the Gulf of Siam. The War Powers Resolution calls for the President to "consult" with Congress only "in every possible instance ... before introducing" U. S. Armed Forces into hostilities or situations of imminent hostility.

Here there had been earlier advice and response-opportunities given Congress on the preliminary introduction of armed forces to try to prevent further movement of the captured Mayaguez and removal of the crew from the ship or the nearby island. On the follow-up seizure and rescue actions, the consultation took place as soon as possible after the 5:30 p.m. end of the Wednesday, NSC meeting, by starting them at about 6:30 p.m. Even then there would have been time, if Congress could have actually persuaded the President of the need for doing so, to modify the President's orders to the armed forces involved.



In this particular case, with only a few Senators who questioned one aspect of the orders and otherwise unanimous concurrence, the President had obviously ordered what a majority of those consulted were in favor of doing.

I also made the point that it is not appropriate, and I did not believe the War Powers Resolution required it, that Congress be consulted on advance contingency planning because the choice of action would in the end be controlled by fast-breaking developments in the actual situation and that contingency plans had to be highly secret or they could be thwarted by premature disclosure on the part of any dissident who objected to any of the plans.

cc: John Marsh
Don Rumsfeld
Brent Scowcroft



Schlesinger Says Mayaguez Incident Reclaimed Freedom of the Seas

Secretary Schlesinger said Thursday the U.S. operation to recover the Mayaguez helped reclaim the seas for peaceful transit.

In a pre-dawn briefing, Secretary Schlesinger (on A.M. America film) said, "The successful actions of U.S. forces associated with the recovery of the Mayaguez and its entire crew have a significance far greater than that represented by this illegal and unwarranted highjacking episode. It represents a much-needed and timely reclamation of freedom of the seas and peaceful transit.

"Moreover, it represents a firm and measured response to the high-handed and crude use of force. This was, under international law, an illegal act of highjacking and to the diplomatic protests, and there was, to say the least, insufficient response. Consequently, it was necessary to take the appropriate measures employing force to ensure that the lives of Americans and the freedom of the seas would be protected."

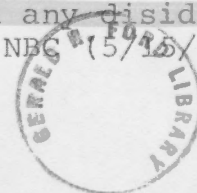
Schlesinger "says in his professional manner, that the lesson of the Mayaguez is salutary," Frank Tomlinson (ABC) said. "In plain language, that means, don't mess around with American ships on the high seas."

Charles Quinn (NBC) reported that Secretary Schlesinger said the price paid was significant but small in relation to the contribution to this nation and the civilized world. -- ABC;NBC (5/15/75)

Raoul Berger Calls Ford Action Unconstitutional

Harvard constitutional law expert, Raoul Berger called the action the President took in rescuing the Mayaguez, unconstitutional and deplorable, Carl Stern reported. The President damaged the concept of consulting Congress and that Congress just caved in, Berger said. He also criticized the action as "machismo" to show we're still men after Vietnam.

White House Counsel Philip Buchen said there just wasn't time to consult Congress before ordering the Mayaguez recovery operation, and even if there had been, such planning can't be shared with Congress, Stern said. He quoted Buchen as saying Congressmen aren't bound by any secrecy laws and any dissident could thwart the operation by divulging it. -- NBC (5/15/75)



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THE WALL STREET JOURNAL,
Friday, May 16, 1975

Success of Mayaguez Recovery Bolsters Ford's Political Stock, Military Morale

By RICHARD J. LEVINE

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON — U.S. military forces, long frustrated in Indochina, chalked up a rare victory in recovering the pirated merchant ship Mayaguez and her 39 American crewmen.

The success of the extensive Navy, Mar-

Wednesday night and early yesterday morning that the action was going well, military and civilian leaders exhibited relief, satisfaction—and pride. Once the crew and the ship had been recovered, President Ford expressed his “appreciation and that of the entire nation to the units and men who participated in these operations for their valor and

3:30 p.m. Wednesday: The President convenes another National Security Council meeting to determine the next step. At 4:45, while the meeting is still in progress, Mr. Ford issues orders that Marines board the Mayaguez and land on the island of Koh Tang, described by a Pentagon official as a two-mile-by-three-mile “little spit of land.” U.S. warplanes will be available to “undertake associated military operations in the area to protect and support the operations to regain the vessel and members of the crew.” The meeting ends a little after 5 p.m.

5:45 p.m.: The Joint Chiefs of Staff pass on the President's orders to the Pacific command. Shortly thereafter, three Air Force CH53 helicopters lift the first Marines from Utapao Air Base in Thailand. They are headed for the destroyer escort Holt, which is near Koh Tang island, the location of the Mayaguez. The 40 Marines and a civilian prize crew capable of manning the Mayaguez are lowered onto the Holt by a rope

THE WASHINGTON POST Saturday, May 17, 1975
R2

✓ The Mayaguez Decision

Three Days of Crisis for President Ford

By Jules Witcover
Washington Post Staff Writer

It was 33 minutes past midnight on Thursday morning and President Ford, weary but gratified at the outcome of what one White House aide called "the toughest decision he's ever had to make

—and proceeded to oversleep that morning.

The specific decision on what to do and when, the first made in an atmosphere of genuine crisis in the 9-month-old Ford administration, came at 4:45 p.m. on Wednesday, about halfway through a one-hour-and-50-minute

5/17/75
Dick Smysar

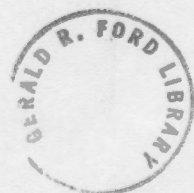
Q. Reports indicate that riot control agents - tear gas - were used in the operation to rescue the crew of the Mayaguez, and were used to try to stop the crew from being taken to the mainland. Is this a violation of the protocols we signed on poison gas? Why were riot control agents used?

A. The reports are correct. We used riot control agents during several phases of our operations to recapture the Mayaguez.

The use of riot control agents is fully authorized within the protocols on poison gas which the U.S. recently signed, and was one of the specific exclusions. Riot control agents are not poisonous, and do not kill or permanently incapacitate; rather, they are designed to minimize the use of force.

For example, we wanted to stop the crew of the Mayaguez from being taken to the mainland, but we did not want to injure the crew in that process. That is why we used riot control agents.

Moreover, since the exact location of the crew of the Mayaguez was unknown at the time of the rescue raid, this was the only reasonable way to protect the rescuers while avoiding the use of lethal systems which might have also killed the crewmen along with their captors.



Could Mayaguez Affair Have Been Avoided?

5/17/75

By Fred Barnes

Washington Star Staff Writer

President Ford has ordered a study aimed at finding out if the entire Mayaguez affair could have been avoided.

Ronald Nessen, the White House

House is the question of what happened to reports of the earlier incidents and why they did not result in some sort of warning that would have prevented the Mayaguez from inadvertently sailing into a dangerous zone.

THE WHITE HOUSE
WASHINGTON

May 22, 1975

Dear Mr. Meyer:

Many thanks for your telegram advising that you had joined in congratulating the President on his move to rescue the crew of the Mayaguez.

The points you raised about filing a complaint before the United Nations or some other international body are under consideration, but I personally am not confident that such a move would be fruitful.

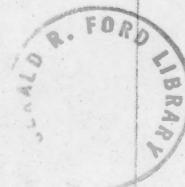
Sincerely yours,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Mr. Robert E. Meyer
629 Crescent Avenue
San Mateo, California 94402

Mayaguez



✓ ...

5/22/75

The Wash. Post

THE WASHINGTON PO

Joseph Kraft

Mayaguez Post-Mortems

In the two hours before the rescue of the Mayaguez and its crew began, the White House notified 22 congressional leaders that the President had ordered a limited military operation to achieve that end. Not one of the leaders posed a serious question about the nature or scope or necessity of the impending action.

I cite that information, which was

So there was intense pressure on President Ford to move with dispatch. The case of the Mayaguez, in other words, fit that rare category governed by the famous words of Macbeth: "If it were done when 'tis done, then 'twere well it were done quickly."

The idiosyncratic character of the action is even more cogently illustrated by the charge that the United

make one a precedent for the other smacks to me of deliberate scaremongering.

Far worse than the criticisms, however, are the exaggerated claims made out for the Mayaguez rescue. Particularly suspect is the claim that the United States proved something which ought to make us proud to be Ameri-

Mayaguez

Thursday 5/22/75¹

10:20 Pat O'Donnell's office called. (Joe Ellen Walker)
She said Terry Emerson had called from
Senator Goldwater's office looking into the President's
authority for sending servicemen over for the Mayaguez
situation. She had called Nessen's office for
a copy of the releases and they also wondered if the
Counsel's office had put out a release on the legal
aspects. I told her of the President's letters to
the Speaker of the House and President of the Senate,
and suggested Jay could give her background information.

She called back later to say that Jay had suggested
that since it was Senator Goldwater's office you might
want to call Mr. Emerson and talk to him about it. 224-2234

*Called Emerson and matter
is closed. P.W.B.*



THE WHITE HOUSE
WASHINGTON

May 26, 1975

Mayaguez

Dear Mr. Hammett:

On behalf of the President, I wish to thank you very much for your letter of April 20.

Since you wrote this letter, we have gained some experience in dealing under crisis situations with the various restrictions imposed by Congress on the President's use of armed forces in Indochina.

The President appears to have obtained the general concurrence of Congress that he was able, even under existing law, to take the steps required. Thus, we have avoided any clash with the Congress on the issues raised in your letter, but I agree with you that the acts of Congress could raise serious constitutional questions.

We note your comments about the unfortunate demonstrations by a small dissident group when the President appeared at Concord, New Hampshire.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Mr. Norman W. Hammett
3730 Windom Place, N. W.
Washington, D. C. 20016



15-2

mb

Conts re foreign policy / Conts re protesters in Concord

April 20, 1975
3730 Windom Pl. N. W.,
Washington D. C. 20016

Hon. Gerald R. Ford,
President of the United States,
The White House,
Washington D. C.

Dear Mr. President:

It just occurred to me that you as President of the United States, According to the Constitution are the Chief of the Armed Services and can deploy our armed services to any area to which their services may be needed.

This being the case It would seem to me that the Law which was passed in 1964 Congress may be unconstitutional as it takes away your authority to send our troops to any area which you believed in your best judgment they would be required.

The specific case to which I refer is the protection of our nationals which now seem to be in danger in Viet Nam, or any of our friends which seem to be in real danger, in this area.

Frankly I have always believed since this law was passed it could very well put us behind the 8 ball as we could not deploy troops fast enough under certain conditions to protect those of our nationals or our friends with which we were associated.

Another Person in the Congress who voted against this particular law was Jim Abourezk, and I wrote him a letter thanking him for his vote in what I considered the right direction. I don't know whether his vote was cast for the same reason I thought the law was or would be injurious to our nationals in case they were attacked in some foreign country where an immediate decision was necessary. If it would take the Congress as long as it has in the case of Viet Nam I know we could easily go down the drain before help could reach them.

I most certainly give some thought to questioning that particular act and have some one who is a parliamentarian or a constitutional lawyer look in to it.

With respect to the booing and disruption of your address in Concord only recently I would bring to your attention that we don't seem to have in the cradle of liberty the same breed we had when we were fighting for our very liberty from England. They are a different litter of pups. I should also like to mention that neither do we have in Michigan the same breed we had in Michigan when I was born there. The whole picture has changed and I don't like it.



sincerely yours,

Norman W. Hammett
NORMAN W. HAMMETT

Mayaguez

THE WHITE HOUSE
WASHINGTON

May 30, 1975

Dear Mr. Coonan:

Thank you very much for your kind telegram of support of the President's recent action concerning the Mayaguez.

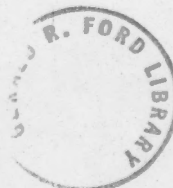
Your words of encouragement are most helpful to the President and are much appreciated.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Mr. Jim Coonan
800 Welch Road
Suite 367
Palo Alto, California 94304



MGMWSHT HSB

2-041516E135 05/15/75

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ZIP

western union

Mailgram

UNITED



PHILIP BUCHEN, SPECIAL COUNCIL TO THE
PRESIDENT
WHITE HOUSE
WASHINGTON DC 20500

PLEASE CONGRATULATE PRESIDENT FORD ON HIS HANDLING OF THE MAYAGUEZ
INCIDENT. MY BEST TO YOU PERSONALLY. FROM AN OLD INFANTRYMAN
JIM COONAN 800 WELCH RD SUITE 367 PALO ALTO CA 94304

16:48 EST

MGMWSHT HSB



*Mayaguez
Legal issues*

May 30, 1975

MEMORANDUM FOR: MONROE LEIGH

FROM: PHILIP BUCHEN

SUBJECT: Response to Congressman
Findley's Proposal

Your draft response to Congressman Findley appears to serve the purpose very well, and I encourage you to send the letter as written.





DEPARTMENT OF STATE
THE LEGAL ADVISER
WASHINGTON

May 23, 1975

MEMORANDUM FOR: Mr. Buchen
From: Monroe Leigh *M.L.*
Subject: Response to Congressman
Findley's Proposal

If you agree, I propose to answer Congressman Findley's proposal (Tab 1) as set forth in Tab 2.

Attachments:

As stated above.



Congress of the United States
House of Representatives
Washington, D. C.

May 15, 1975

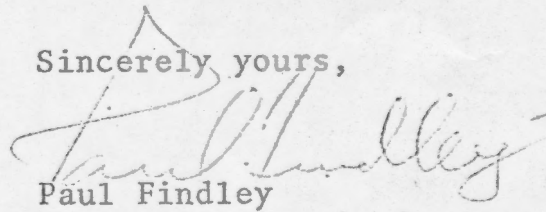
Mr. Monroe Leigh
Legal Adviser
Department of State
Washington, D.C.

Dear Mr. Leigh:

Glad to have the chance to present my recommendation over the phone that the United States submit to the World Court the legal issues involved in the Cambodian seizure of the American merchant ship. I have also talked with prominent international lawyers who agree that this would be a worthwhile initiative which would enhance U.S. prestige even further at this time.

Attached is the text of my remarks on the floor of the House today. Would be glad to discuss this with you further.

Sincerely yours,



Paul Findley
Representative in Congress

Enclosure





REPRESENTING
THE LINCOLN DISTRICT

Congressman PAUL FINDLEY

20th District, Illinois • 2133 Rayburn Bldg., Washington, D.C. 20515 • 202-225-5271
FOR IMMEDIATE RELEASE

LAUDS PRESIDENT, URGES WORLD COURT TO SETTLE LEGAL ISSUES

WASHINGTON (May 15, 1975)--Text of a statement by Representative Paul Findley (R-Ill), a member of the International Relations Committee, prepared for delivery on the floor of the House today:

"I rejoice in the success of President Ford's action which led to the rescue of both the ship and crew off Cambodia.

"The action entailed great risk but at stake was a great principle -- freedom of the seas. If the U.S., as one of the two world super-powers, had equivocated in dealing with this act of piracy, the safety of all ships at sea would have been jeopardized.

"In my opinion, the President acted entirely within his constitutional authority. He is called by history, tradition, and the Constitution to use military force to a reasonable extent to protect U.S. lives abroad. Considering what was at stake in terms of principle, the use he made of military force was reasonable.

"The President could wisely take a further step related to this incident. He could give even greater standing to the principle of freedom of the seas, and the underlying concept of the rule of law, not force, in international affairs by inviting Cambodia to join the U.S. in placing any and all legal issues which may arise in connection with the incident before the International Court of Justice at the Hague for adjudication. The United States should offer in advance to accept the judgment of the court.

"Cambodia has already made allegations against the U.S. of espionage, provocative action, violation of territorial rights. No doubt Communist propaganda mills will grind out other charges. The world will be watching to see how we respond.

"By inviting Cambodia to join in letting the court settle all such issues, our government would effectively disarm its critics.

"The U.S. is the world's foremost exponent of the rule of law. Here is an opportunity for the U.S. to prove it means what it says.

"The rescue was an exercise in power, and, in my view, a prudent one. The referral to the court would raise the issue to an even higher plane and prospect. It could open a new era in which disputes between even the greatest and smallest of powers are settled ultimately by the application of legal principles and conventions.

"For all these reasons, I have transmitted this recommendation to the appropriate officials in the State Department."



DEPARTMENT OF STATE

THE LEGAL ADVISER

WASHINGTON

Honorable Paul Findley
House of Representatives
Washington, D.C. 20515

Dear Mr. Findley:

Thank you for your letter of May 15 recommending that the United States offer to join Cambodia in submitting to the International Court of Justice the legal issues involved in the seizure of the Mayaguez.

Your suggestion is a thoughtful one, which has substantial attractions, as the text of your statement to the House of Representatives shows. However, we are, on balance, disinclined to invite Cambodia to join in placing the Mayaguez issues before the Court for two reasons.

First, we believe that we have vindicated U.S. rights under international law by the action taken; with the release of the ship and crew, there is no continuing dispute which, from our viewpoint, the Court could usefully resolve. It should be noted in this regard that, to our knowledge, Cambodia has advanced no legal claims against the United States in respect of the Mayaguez incident.

Second, in view of the profoundly negative attitude of Communist States to the Court, we see little possibility that Cambodia would agree to submit the case to the Court. This attitude of Communist States is so well known that, if we made the offer, informed observers might tend to dismiss it as one we made confident that it would not be accepted. We are reinforced in this view by the fact that Cambodia has so far manifested no disposition to engage even in diplomatic communication, still less international adjudication.

Sincerely yours,

Monroe Leigh



THE WHITE HOUSE
WASHINGTON

June 2, 1975

Mayaguez
Legal issues

MEMORANDUM FOR: JACK MARSH

FROM:

PHIL BUCHEN

P.W.B.

This is in response to your memorandum of May 26 attaching a letter to you from Paul Findley and your reply. Attached is a copy of the response I approved for Monroe Leigh to send in reply to a letter from Paul Findley similar to the one he sent you.

Do you want me to write a further letter to Paul Findley?





DEPARTMENT OF STATE
THE LEGAL ADVISER
WASHINGTON

Honorable Paul Findley
House of Representatives
Washington, D.C. 20515

Dear Mr. Findley:

Thank you for your letter of May 15 recommending that the United States offer to join Cambodia in submitting to the International Court of Justice the legal issues involved in the seizure of the Mayaguez.

Your suggestion is a thoughtful one, which has substantial attractions, as the text of your statement to the House of Representatives shows. However, we are, on balance, disinclined to invite Cambodia to join in placing the Mayaguez issues before the Court for two reasons.

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Sincerely yours,

Monroe Leigh



THE WHITE HOUSE

WASHINGTON

May 26, 1975

MEMORANDUM TO:

PHIL BUCHEN

FROM:

JACK MARSH

Phil, I would be interested in your reaction to the attached.
Thank you.



May 26, 1975

Dear Paul:

I have your letter of May 15 and the attached copy of your press release relative to your recommendation that the "United States submit to the World Court the legal issues in the Cambodian seizure of the American merchant ship".

In response to your letter, I have forwarded copies of your position statement to Presidential Counsellor Philip W. Buchan, the National Security Council and the Department of State.

Thank you for taking the time to advise me of your proposal on this matter.

With warmest personal regards, I remain,

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Honorable Paul Findley
House of Representatives
Washington, D. C.
JOM:RAR:cb



MAY 16 1975

Congress of the United States
House of Representatives
Washington, D. C.

May 15, 1975

Mr. John O. Marsh, Jr.
Counsellor to the President
The White House
Washington, D.C.

Dear Jack:

Attached is my ~~recommendation that the United States submit to the World Court the legal issues in the Cambodian seizure of the American merchant ship.~~ I also believe that the United States should agree in advance to abide by the Court decision.

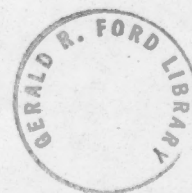
If we take this action, U.S. prestige will be enhanced even further among large and small countries alike.

Sincerely yours,



Paul Findley
Representative in Congress

Enclosure





REPRESENTING
THE LINCOLN DISTRICT

Congressman PAUL FINDLEY

20th District, Illinois • 2133 Rayburn Bldg., Washington, D.C. 20515 • 202-225-5271
FOR IMMEDIATE RELEASE

LAUDS PRESIDENT, URGES WORLD COURT TO SETTLE LEGAL ISSUES

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"The action entailed great risk but at stake was a great principle -- freedom of the seas. If the U.S., as one of the two world super-powers, had equivocated in dealing with this act of piracy, the safety of all ships at sea would have been jeopardized.

"In my opinion, the President acted entirely within his constitutional authority. He is called by history, tradition, and the Constitution to use military force to a reasonable extent to protect U.S. lives abroad. Considering what was at stake in terms of principle, the use he made of military force was reasonable.

"The President could wisely take a further step related to this incident. He could give even greater standing to the principle of freedom of the seas, and the underlying concept of the rule of law, not force, in international affairs by inviting Cambodia to join the U.S. in placing any and all legal issues which may arise in connection with the incident before the International Court of Justice at the Hague for adjudication. The United States should offer in advance to accept the judgment of the court.

"Cambodia has already made allegations against the U.S. of espionage, provocative action, violation of territorial rights. No doubt Communist propaganda mills will grind out other charges. The world will be watching to see how we respond.

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"The U.S. is the world's foremost exponent of the rule of law. Here is an opportunity for the U.S. to prove it means what it says.

"The rescue was an exercise in power, and, in my view, a prudent one. The referral to the court would raise the issue to an even higher plane and prospect. It could open a new era in which disputes between even the greatest and smallest of powers are settled ultimately by the application of legal principles and conventions.

"For all these reasons, I have transmitted this recommendation to the appropriate officials in the State Department."

TRANSMITTED BY:
(Date & Time Stamp)

DEPARTMENT OF STATE

JUN 4 PM 12 38

DEPARTMENT OF STATE
Operations Center

LDX MESSAGE RECEIPT

S/S #

RECEIVED BY:
(Date & Time Stamp)

WHITE HOUSE
SITUATION ROOM

'75 JUN 4 PM 1:17

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LDX MESSAGE NO. 1120, CLASSIFICATION _____, NO. PAGES 8

DESCRIPTION OF MSG. Statement of Monroe Leigh

FROM: Monroe Leigh, L, 29598, 6425
Officer Office Symbol Extension Room Number

LDX TO:	DELIVER TO:	EXTENSION:	ROOM NUMBER:
White House	Philip Buchen	456-2632	2nd Floor, W. Wing
Exec. Office Bldg.	Les Janka	395-3116	376A
_____	_____	_____	_____
_____	_____	_____	_____

FOR: CLEARANCE ☐ INFORMATION ☒ PER REQUEST ☐ COMMENT ☐

REMARKS: _____

VALIDATED FOR TRANSMISSION BY: Executive Secretariat Officer



STATEMENT OF MONROE LEIGH
LEGAL ADVISER OF THE DEPARTMENT OF STATE
TO THE SUBCOMMITTEE ON INTERNATIONAL SECURITY
AND SCIENTIFIC AFFAIRS
HOUSE COMMITTEE ON INTERNATIONAL RELATIONS

Wednesday, June 4, 1975, 2:00 P.M.

Mr. Chairman, Members of the Committee:

I again express my appreciation for the opportunity to appear before this Subcommittee on the subject of war powers. I understand that the focus of today's hearing will be on steps taken by the Executive Branch to comply with the "consultation" provisions set forth in Section 3 of the War Powers Resolution (P.L. 93-148).

Before turning to the subject of consultation, I wish to make a brief reference to the report concerning the Mayaguez affair which the President sent to the Speaker of the House and to the President Pro Tempore of the Senate early in the morning of May 15, 1975. The preparation of this report, and of the three preceding reports, in accordance with the War Powers Resolution, are



in my view indicative of the good faith effort on the part of the Administration to comply with the reporting requirements set forth in the War Powers Resolution.

I might add that it has frequently been difficult to comply with the procedural provisions in Section 4(a) of the Resolution. For example, Section 4(a) requires the President to submit a written report containing certain specified information within a 48-hour period to the Speaker of the House and to the President Pro Tempore of the Senate. To comply with the 48-hour requirement in the last report which concerned the Mayaguez affair, the President had to be awakened at 2 o'clock in the morning in order to read and sign his report so that it could be delivered to the Speaker and the President Pro Tempore of the Senate. These deliveries were made to the offices of the Speaker and President Pro Tem at approximately 2:30 AM on May 15 about four hours before the expiration of the 48-hour period.



Returning to the question of consultation, I think that three points are of significance in connection with the Mayaguez affair: (1) the Congressional leadership was informed of the principal military operations prior to the actual commencement of those operations; (2) the Congressional leadership did have an opportunity to express its views concerning the impending military operations; and (3) all views which were expressed by the Congressional leadership either in the Cabinet Room meeting on May 14 or in the two earlier telephone contacts with the White House staff on May 13 and 14 were communicated directly to the President.

With respect to the particulars of the Executive Branch's efforts to adhere to the consultation provisions in Section 3 of the War Powers Resolution, perhaps I should begin by noting that although the Mayaguez incident was a rapidly unfolding emergency situation, four separate sets of communications took place



between the Executive Branch and the Congressional leadership. The first of these were carried out by White House staff officers at the direction of the President on the evening of May 13th between 5:50 PM and 7:20 PM. One contact, however, was not made until 8:20 PM and another not until 11:00 PM. Ten members from the House side and 11 Senators were contacted regarding the military measures directed by the President to be subsequently taken to prevent the Mayaguez and its crew from being transferred to the Cambodian mainland, and to prevent any reinforcement from the mainland of Cambodian forces detaining the Mayaguez vessel and crew. The individual views expressed by each of the members were communicated to the President. Among the members contacted on the House side were the Speaker, the Majority and Minority leaders, and the chairman and ranking Minority member of the House Committee on International Relations.



At approximately 8:30 PM that same evening, U.S. aircraft sank a Cambodian vessel seeking to approach the Mayaguez. This was the first fire from U.S. forces that was directed at Cambodian ships and forces during the entire affair.

The second set of communications took place on the following morning, May 14, 1975, between 11:15 AM and Noon. At that time 11 members of the House and 11 Senators were contacted and informed that 3 Cambodian patrol craft had been sunk; and that 4 others had been immobilized in an effort to prevent removal of the Mayaguez crew to the mainland. They were also informed at that time (1) that one Cambodian vessel had succeeded in reaching the mainland "possibly with some U.S. captives abroad"; and (2) that the first U.S. Navy vessel, the destroyer escort, Holt, had arrived in the area.

The House members and Senators contacted included all of those that had been contacted on



the previous evening. Once again, each of the individual views of the House members and Senators was communicated to the President.

The third and fourth sets of communications involved State Department briefings and the President's White House meeting with the Congressional leadership, respectively. On May 14, between 3:00 PM and 5:00 PM, Department officials briefed members of the House International Relations Committee, the Senate Foreign Relations Committee, and the House Armed Services Committee concerning the status of the Mayaguez operation. The fourth communication occurred when the President met with the Congressional leadership in the Cabinet Room at the White House at approximately 6:30 PM on that same day. At that meeting the President personally briefed the leadership on the specific orders given by him for the recapture of the ship and the crew. There was an active exchange of views concerning the operations that had already taken place and.



-- the operations that were to take place later on the evening of May 14.

It is my view that these communications -- which involve information from the President to the Congressional leadership and views expressed by the Congressional leadership being communicated to the President -- were consistent with the provisions of Section 3 of the War Powers Resolution. The President is called upon to consult "in every possible instance." I realize that some have argued that the President could have done more to secure the views of Congress prior to ordering the final military action to recapture the Mayaguez and its crew. But one must consider the other things that the Chief Executive had to do to discharge his obligations under the Constitution. The period of decision extended at most from 7:30 AM Monday, May 12 (4 hours after the seizure) to 7:30 PM Wednesday, May 14, a period of about 60 hours. During this period the President set in motion the various diplomatic and military actions which resulted in the eventual release of the vessel and crew. He supervised the mobilization of the naval and air strength



which were brought to bear on the situation; he initiated the diplomatic efforts to reach the Cambodian government and to seek the assistance of the United Nations. He made the critical decisions authorizing the military to take hostile actions to prevent the ship and crew from being taken to the mainland. These were his inescapable constitutional responsibilities as commander-in-chief. Despite these continuous demands on his time, he saw to it that four sets of consultations were carried out -- one of which he personally carried out with the leadership. Even in the light of hindsight, I believe that this was a remarkable effort by the President to cooperate with the Congress during a time of emergency decision making.



UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

Washington, DC 20408



*Church
Letter
June 27, 75*
*Wack
for response
if appropriate
reply. lue*

JUN 25 1975

Mr. Monroe Leigh
Legal Adviser
Room 6425
Department of State
Washington, D.C. 20520

Dear Mr. Leigh:

Senator Frank Church, chairman of the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, has requested the assistance of the National Archives and Records Service in obtaining permission for members of the Committee staff to examine material which was classified by your agency and is now among the Presidential papers in the John F. Kennedy Library. A list of the files to which the Committee desires access is enclosed.

Senator Church has designated the following Committee staff members to review the Kennedy Library materials, and he has indicated that each currently holds the security clearances listed:

Peter Fenn, TS/SI/TK/B
Karl R. Inderfurth, TS/SI/TK/B
Alan Rombert, TS/SI/TK/B
Gregory F. Treverton, TS/SI/TK/B

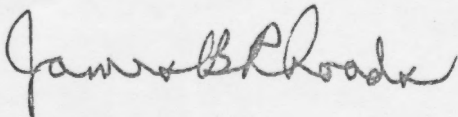
It is the policy of the National Archives to require authorization from the agency that classified the information before access to classified material among Presidential papers is granted. It is my hope that as the representative of the Department of State on the Interagency Classification Review Committee you will assist us in expediting this matter. I am sending similar letters to the Department of Defense, the National Security Council, and the Central Intelligence Agency.



We would appreciate an early determination by your agency as to whether to grant access in this instance. In addition, we welcome your advice on how to handle any Committee requests for copies of documents originated by your agency. The Kennedy Library, I should add, has secure copying facilities.

Should you require further information, please contact Dr. Daniel J. Reed, Assistant Archivist for Presidential Libraries, 963-6363. I thank you for your assistance in this matter.

Sincerely,



JAMES B. RHOADS
Archivist of the United States

Enclosures



REQUESTED FROM THE NATIONAL SECURITY FILES
JOHN F. KENNEDY LIBRARY

<u>Box No.</u>	<u>Series Title</u>	<u>Folder Title</u>
20	Countries Series	Chile, Vol. I
21	Countries Series	Chile, Vol. II
63	Countries Series	Cuba, Testimony, Director McCone
100	Countries Series	Greece, Vol. I
101	Countries Series	Greece, Vol. II
280	Departments & Agencies Series	DOD, DIA (Defense Intelligence Agency)
283	Departments & Agencies Series	NSC, Organization & Administration
284	Departments & Agencies Series	Operations Coordinating Board
288	Departments & Agencies Series	State Department, Policy Directives, ARA (Bureau of Latin American Affairs)
318	National Security Council Series	Intelligence Organization, Joint Study Group Report, 12/15/60
318	National Security Council Series	Key National Security Problems
319	National Security Council Series	Special Group (CI) 4/4/61--6/7/62; Special Group (CI) 7/3/62--5/20/63 Special Group (CI) Meetings
320	National Security Council Series	Staff Memorandum, J. Patrick Coyne
327	National Security Council Series	Staff Memorandum, Maxwell Taylor
*328-342	National Security Council Series	National Security Action Memorandum (NSAM's) #1-272
131-132	National Security Council Series	Laos, Volume I - V

* The Select Committee would like to request subject titles for each of the 272 NSAM's. The NSAM's themselves, however, are not requested.

(continued)



(continued)

<u>Box No.</u>	<u>Series Title</u>	<u>Folder Title</u>
319	National Security Council Series	Special Group (CI), 4/4/61--6/7/62 Special Group (CI), 7/3/62--5/20/63 Special Group (CI), Meetings
325	National Security Council Series	Staff Memoranda, Walt W. Rostow, Volume VI, Guerilla and Uncon- ventional Warfare, Parts 2 and 3
327	National Security Council Series	Staff memorandum, Arthur Schlesinger, Jr.



MEMORANDUM

NATIONAL SECURITY COUNCIL

June 26, 1975

*Pending
OK
6/27*

MEMORANDUM FOR: ✓ PHIL BUCHEN
MAX FRIEDERSDORF

FROM: LES JANKA *for*

SUBJECT: Response to Congress on Mayaguez
Affair Consultations

During hearings on the Mayaguez affair before the Fasel Subcommittee on June 19, Deputy Assistant Secretary Miller agreed to obtain an answer to the question as to whether or not any of the Congressional leaders, who were consulted regarding actions taken to obtain release of the Mayaguez and its crew, expressed disagreement when consulted.

Attached is a proposed reply prepared by the legal office of the State Department. State also believes it would be useful to include a list of the names of the Congressional leaders consulted by phone as well as a list of those attending the President's meeting with the Congressional leadership on May 14, both to indicate the extent of our information effort and so that the Subcommittee could contact those people directly if it should desire.

May I have your comments and concurrence on the attached proposed reply for the record and your suggestions about the submission of a list of those contacted.



QUESTION: Did any of the members consulted indicate dissent from the Administration position?

ANSWER : With respect to the telephone contacts between the White House staff and members of Congress, there was no dissent from any person called as to the principal actions taken. In one or two cases, apprehension was expressed about possible dangers in the operation, but on the whole the sentiment was overwhelming in support of what the President proposed to do. All comments were very carefully noted and immediately brought to the President's attention. With respect to the President's meeting with the Congressional leadership at the White House on the evening of May 14, 1975, I do not think it appropriate to go into the specifics of what was said in conversations between the President and individual members of Congress. Generally speaking, however, it is my understanding that there was again overwhelming support for what the President proposed to do, although at least two of the members present expressed concern over certain aspects of the operation.

MEMORANDUM

NATIONAL SECURITY COUNCIL

August 7, 1975

MEMORANDUM FOR: PHIL BUCHEN
FROM: LES JANKA *for*
SUBJECT: The Unsinkable Mayaguez

Attached for your information are two letters from Chairman Sparkman to State and CIA requesting information on the Mayaguez incident; the SFRC is undertaking its own independent assessment of this event.

A copy of State's response is also attached. The Situation Reports requested were handed over, since they already had been provided to the GAO. A copy of CIA's response will be provided when available.



WING MANSFIELD, MONT.
FRANK C. COCHRAN, TENN.
STUART S. DAINOFF, MD.
CLAUDE W. FELL, N.Y.
DILL W. MC GEE, WYO.
DONALD MC GOWEN, S. CAR.
ROBERT M. DEWEY, MINN.
DICK CLARK, IOWA
JOSEPH R. BROWN, JR., DEL.

ELFORD P. CASE, N.J.
JACOB H. JAVITS, N.Y.
HUGH SCOTT, PA.
JAMES H. PEABODY, MASS.
CHARLES H. PERCY, ILL.
EMERY P. CHAFFIN, MICH.
HOWARD H. BAKER, JR., TENN.

PAT M. HOLY, CHIEF OF STAFF
ARTHUR M. KUNL, CHIEF CLERK

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

July 30, 1975

The Honorable
William H. Colby
Director
Central Intelligence Agency
Washington, D. C.

Dear Mr. Colby:

Pursuant to executive session discussions of the Committee on Foreign Relations, I wish to request the following materials required by the Committee in connection with its review of the Mayaguez affair:

1. A detailed chronology of all events related to the Mayaguez affair of which the Central Intelligence Agency has knowledge.
2. A copy of all situation reports prepared on the Mayaguez by the Central Intelligence Agency.
3. A description of all intelligence information bearing on attitudes, expressions and actions of the new Cambodian government or its authorities regarding border questions and territorial waters prior to and during the Mayaguez episode.
4. A description of all intelligence information bearing on the attitude of the new Cambodian government or its authorities regarding the seizure of the Mayaguez and with regard to U.S. actions during the time it was being held.

Your cooperation in providing these materials will be appreciated.

Sincerely,

John Sparkman
John Sparkman
Chairman



JOHN SPARKMAN, ALA., CHAIRMAN
ASHTON, MONT.
CARSON, IDAHO
T. R. WATSON, WYO.
JACOB KILL, N.Y.
ALB. W. MC GEE, WYO.
GEORGE MC GIVERN, S. DAK.
ROBERT M. HUMPHREY, MINN.
DICK CLARK, IOWA
JOSEPH R. BIDER, JR., DEL.

CUFFORD P. CASE, N.J.
JACOB H. JAVITS, N.Y.
RUSH BUDY, PA.
JAMES B. PEARSON, KANS.
CHARLES M. PERCY, ILL.
ROBERT F. GRIFFIN, MICH.
HOWARD H. BAKER, JR., TENN.

PAT M. HOLY, CHIEF OF STAFF
ARTHUR M. KUHLE, CHIEF CLERK

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

7515440

July 30, 1975

The Honorable
Henry A. Kissinger
Secretary of State
Washington, D. C.

Dear Mr. Secretary:

Pursuant to executive session discussions of the Committee on Foreign Relations, I wish to request the following materials required by the Committee in connection with its review of the Mayaguez affair:

1. A detailed chronology of all events related to the Mayaguez affair of which the Department of State has knowledge.
2. A copy of all situation reports prepared by the Department of State during the incident.
3. A detailed description of U.S. diplomatic efforts to obtain information regarding the ship and crew, or to obtain their release.

Your cooperation in providing these materials will be appreciated.

Sincerely,


John Sparkman
Chairman



H-2

UNCLASSIFIED
With Secret Enclosures

Honorable John Sparkman
Chairman, Committee on
Foreign Relations
United States Senate

Dear Mr. Chairman:

Thank you for your letter of July 30 requesting materials for the Committee's review of the Mayaguez affair. I am please to provide the following in response to each request as indicated below.

1. A detailed Chronology of all events related to the Mayaguez Affair of which the Department of State has knowledge.

Enclosed is a "Chronology of Events of the Mayaguez Incident."

2. A copy of all situation reports prepared by the Department of State during the incident.

Enclosed are copies of the "Mayaguez Situation Reports" of the Department's Mayaguez Working Group which are classified SECRET.

3. A detailed description of U.S. diplomatic efforts to obtain information regarding the ship and crew, or to obtain their release.

On Monday, May 12 shortly after the NSC meeting and the White House statement demanding the immediate release of the ship, the Department requested the Head of the Chinese Liaison Office here in Washington to call at the Department. The meeting took place at 4:30 p.m. When the Chinese refused to accept a message to the Cambodians demanding the release of the crew and ship, we instructed our Liaison Office in Peking that same day to pass the message to the Chinese Ministry of Foreign Affairs there as well as directly to the Cambodian diplomatic mission in Peking. We had received no reply by the end of the second day (Tuesday, May 13) at which time the first military

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2.

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operations began. These operations were directed at Cambodian patrol boats that were trying to transit between the Mayaguez, the Cambodian mainland and Koh Tang Island.

The next morning, Wednesday, May 14 (about 7:15 a.m., EDT), we learned that the Chinese authorities in Peking had returned undelivered to our Liaison Office in Peking our message to the Cambodians. We still had received no response to the message we delivered directly to the Cambodians in Peking. Shortly after midday on May 14, we delivered a letter to UN Secretary General Waldheim concerning the action requesting him to take steps to bring about the safe return of the Mayaguez and crew.

On the evening of May 14, we informed a number of Embassies here in Washington, and the UN Security Council, that we were taking certain military actions to secure release of the Mayaguez and its crew.


A Cambodian domestic broadcast indicating that the Mayaguez would be ordered to withdraw from Cambodian territorial waters but which made no mention of the disposition of the crew was received in Washington shortly after 8:00 p.m. on Wednesday, May 14.

After learning of this message, we announced that as soon as the Cambodian authorities would issue a statement that they were prepared to release the crew members unconditionally and immediately, we would promptly cease military operations. The Cambodian authorities did not issue any such statement. We were not certain that the Cambodians had in fact released the entire crew until some three hours after receiving the domestic broadcast.

Still later that night we learned that the message we had delivered to the Cambodians in Peking had been routinely sent back through the mail.

I am also pleased to provide you a copy of a recent statement made by Acting Secretary Ingersoll in open session before the Subcommittee on International Political and Military Affairs of the House International Relations Committee, a letter from me to the Chairman of the House International Relations Committee on June 13 and a letter from me to Senator Brooke on June 20.

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If I can be of any further assistance, please do not hesitate to write.

Sincerely,

Robert J. McCloskey
Assistant Secretary for
Congressional Relations

Enclosures:

As stated

Drafted: EA/LC:BSKirkpatrick:dtm
8/7/75 x23132 #7515440

Clearances: S/S - Mr. Kuchel
H - Mr. Schnee
EA - Mr. Miller (draft)
NSC - Mr. Janka

NOTE: Mr. Kuchel has no objection to showing distribution on situation reports.



THE WHITE HOUSE

WASHINGTON

October 15, 1975

MEMORANDUM FOR:

JIM CONNOR

FROM:

PHIL BUCHEN *P.*

Contrary to the representation made in the cover memorandum, the five Mayaguez crew members have not yet filed suit against the United States. They have, however, filed administrative claims and assuming the claims are denied, suit will be filed in the not-too-distant future.

The congratulatory letters would not prejudice the rights of the United States in any way in an anticipated defense of their negligence claims.

However, due to the fact that so much time has expired since the incident and the additional fact that a congratulatory letter from the President might, in some limited way, give these claimants some exaggerated view of the amount of their claim, I would recommend against them.



THE WHITE HOUSE

WASHINGTON

October 8, 1975

MEMORANDUM FOR: PHIL BUCHEN

FROM: JIM CONNOR

SUBJECT: Presidential Letters to
Members of the Mayaguez
Crew

Would appreciate your review and recommendation of the attached file concerning the possibility of sending Presidential letters to members of the Mayaguez Crew.

Please return the entire file with your recommendation.
Thank you.



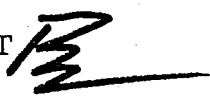
MEMORANDUM

THE WHITE HOUSE

WASHINGTON

October 7, 1975

FOR: STAFF SECRETARY

FROM: ROLAND L. ELLIOTT 

SUBJECT: PRESIDENTIAL LETTERS TO
MEMBERS OF THE MAYAGUEZ
CREW

With reference to your memorandum to me of September 2, the National Security Council has recommended that the President not send an individual letter to each of the MAYAGUEZ crew members. (See attached memorandum.) Its recommendation is based on the fact that five members of the crew have filed suit against the United States Government, charging physical and mental harm as the result of actions by U.S. military forces.

I concur with the NSC recommendation.

Should the President want to go ahead with the letters despite the suits, or excluding those who have filed the claims, a suggested letter is at Tab A.

RECOMMENDATION

That the President not send letters to the MAYAGUEZ crew.

_____ Approve

_____ Disapprove

_____ Letter to entire crew

_____ Only to crew members
not filing claims



NATIONAL SECURITY COUNCIL

October 3, 1975

MEMORANDUM FOR: ROLAND ELLIOTT

FROM: JEANNE W. DAVIS *JWD*

SUBJECT: Presidential Letters to Crew Members
of the Mayaguez

The President has indicated (Tab C) that he would like to write to each member of the Mayaguez crew.

The NSC believes that such letters may be inadvisable at this time because five members of the crew have filed claims (Tab B) in the amount of \$350,000 each against the U.S. Government charging that actions of U.S. military forces caused them physical and mental harm. It would be particularly ironic for the President to congratulate those who are suing the Government. Sending letters to all members of the crew but those five would also be inadvisable.

Attached at Tab A is a suggested letter for the President's use if he decides to send the letters in spite of the claims having been filed. A list of the names and addresses of the Mayaguez crew is included with the draft letter.



D
R
A
F
T

Dear //:

Before any more time passes, I want to express my admiration for the courage and steadfastness that you and all the members of the MAYAGUEZ crew displayed during the seizure of your ship.

The accounts of this incident which Captain Miller and others have passed to me leave no doubt in my mind that you all performed magnificently.

I wish you good fortune and smooth sailing in your next endeavors, and I hope that we will have an opportunity to meet personally some time in the future.

With personal best wishes,

GRF

GRF:NSC:JHH:RLE:



~~C. K. R.~~ 5933
~~W. H. S.~~
(3) Staff - Action *

THE WHITE HOUSE
WASHINGTON

September 2, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

ROLAND ELLIOTT

FROM:

JIM CONNOR *JH*

The President would like to write each member of the Mayaguez crew. Please prepare appropriate letters.

By a copy of this memorandum we are requesting the National Security Council to furnish you a listing of the Mayaguez crew with mailing addresses. *

Thank you.

cc: Don Rumsfeld
Brent Scowcroft ✓



Names and Addresses of the Crew Members of the MAYAGUEZ

Charles T. Miller
10281 Slater Avenue
Fountain Valley, California 92704

James P. Newman
P. O. Box 971
Reno, Nevada

Jared C. Myregard
6627 Ruffner Avenue
Van Nuys, California 91406

Burton L. Coombs
1536 Vista Avenue
Richmond, California 94806

David C. English
2420 First Avenue, Box 58
Seattle, Washington 98121

Wilbert N. Bock
192 Summit Avenue
Bogata, New Jersey 07603

James C. Mullis
Rt. 2, Box 325
Wilmer, Alabama 36587

Salvatore E. Puntillo
2832 23rd Avenue
Kenoska, Wisconsin

Earl C. Gilbert
3710 Pine View Drive
Pascagaula, Mississippi

William G. MacDonald
9204 Canal Street
Houston, Texas

Gerald W. Bayless
United Seaman's Service
P. O. Box 21
Fort Yokahama 29-191
Yokahama, Japan

Thomas V. LaBue
4851 Fiesta
Temple City, California

John E. Doyle
2319 Westbrook Drive
Toledo, Ohio

Herbert G. McDonald
141 Eddy Street
San Francisco, California

Polo Russey Vasquez
Pueta Santiago
Puerto Rico 00741

Albert C. Minichiello
3296 22nd Street
San Francisco, California

Alfred J. Rappenecker
858 Forrest Avenue
Palo Alta, California 94301

Raymond Friedier
169 Alcott Road
Rochester, New York 14626

Willfredo B. Reyes
54 Garibaldo Street, #2
Daly City, California 94104

Americo Faria
Oak Road, #217
Walnut Creek, California 94596

Robert W. Phillips
312 Pape Street
Balut Tonde
Manila, Philippines

Awat Sulaman
5049 N. 16th Street
Philadelphia, Pennsylvania 19141



Frank T. Conway
114 North 39th Avenue
Battleburg, Mississippi

Robert E. Zimmerman
2420 First Avenue
Seattle, Washington 98121

Carlos J. Guerrero
Rio Bianquito
Depto Cortes
Honduras, California

Stephen Zarley
Apt. 1-5B, Degusman Street
Concepiea, Marikima
Rizal, Philippines

Ervin W. Anderson
4640 Marques Drive
New Orleans, La. 70127

Guillermo C. Reyes
54 Garibaldi Street, #2
Daly City, California 94104

Angel L. Rios
Pasco Delmar 3093
Levittown, Puerto Rico 90432

William F. Bellinger
1111 H Street, N.W., Apt. 314
Washington, D.C. 10005

Munasser Omer
P. O. Box 474
Delano, California 93215

Francis Pastrano
P. O. Box 114
Renner, La.

Darryl Kastl
3296 Sacramento Street
San Francisco, California 94115

Kassem Saleh
480 Ellis Street
San Francisco, California 94102

David B. Partridge
c/o Porsia, 6941 N.W. 7th St.
Plantation Gardens
Fort Lauderdale, Florida

Geraldo Lopez
620 Lynnette Drive
Matairie, La. 70036

Anastacio Sereno
1623 Sunnydale
San Francisco, California

Clifford J. Harrington
123 Felix Street, Apt. 7
Santa Cruz, California 99080

Vernon Greenlin
2452 Melbrook Way
Santa Rosa, California 95405

Juan P. Sanchez
546 Ellington Avenue
San Francisco, California 94112

