

The original documents are located in Box 122, folder “3/29/75 - Evacuation of Vietnamese Refugees” of the John Marsh Files at the Gerald R. Ford Presidential Library.

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March 22, 1975

MEMORANDUM FOR: LES JANKA
FROM: PHILIP BUCHEN
SUBJECT: War Powers Resolution

I have your memorandum of March 20, 1975 on the above subject and note **only that I would like to be present when decisions are discussed with respect to the tactics that are to be followed on this matter.**

I also acknowledge your point that arguments as to the **unconstitutionality of the subject Resolution have been made and agree that the present circumstances involving the War Powers Resolution do not necessitate raising any such claim of Constitutionality at this time.**





Department of State

TELEGRAM

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~~CONFIDENTIAL~~ 4269

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ORIGIN H-02

INFO OCT-01 ARA-00 EUR-12 EA-06 ISO-00 PM-03 NSC-05
SS-15 SR-02 ORM-01 IO-10 CIAE-00 INR-07 NSAE-00
DOD-00 NSCE-00 SSO-00 USIE-00 INRE-00 CCO-00 /07

DRAFTED BY H-SAMUEL GOLDBERG:MT
APPROVED BY H-SAMUEL GOLDBERG
EA - MR. HABIB
WHITE HOUSE - MR. WOLTHUIS
S/S-O: MTANNER

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FM SECSTATE WASHDC
TO USLO PEKING FLASH
AMEMBASSY MEXICO FLASH
AMEMBASSY BRUSSELS FLASH
AMEMBASSY ATHENS FLASH

~~C O N F I D E N T I A L~~ STATE 071735

E.O. 11652: GDS

TAGS: VS, PDEV, MILI

SUBJECT: WHITE HOUSE MESSAGE FOR CONGRESSIONAL LEADERSHIP

1. PLEASE CONVEY FOLLOWING MESSAGE FROM WHITE HOUSE
COUNSELOR MARSH TO THE FOLLOWING:

PEKING FOR SPEAKER ALBERT AND REP. RHODES
MEXICO FOR SENATORS MANSFIELD AND GRIFFIN AND REP.
WILSON
BRUSSELS FOR SENATOR SCOTT
ATHENS FOR REPRESENTATIVES O'NEILL, ANDERSON AND PRICE.

2. OTE THE PRESIDENT WANTED ME TO ADVISE YOU OF THE
FOLLOWING: IN RESPONSE TO THE APPEALS FROM THE GOVERNMENT

~~CONFIDENTIAL~~
45K04 1/27/78





Department of State

TELETYPE

CONFIDENTIAL

PAGE 02 STATE 071735

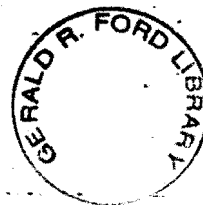
OF THE REPUBLIC OF VIET-NAM AND BECAUSE OF THE EXTREMELY GRAVE NATURE OF THE CIRCUMSTANCES INVOLVING THE LIVES OF HUNDREDS OF THOUSANDS OF REFUGEES, THE UNITED STATES IS TAKING THE FOLLOWING ACTION:

(1) QTE THE PRESIDENT HAS ORDERED U.S. PARTICIPATION IN A NAVAL EVACUATION EFFORT OFF THE COAST OF VIET-NAM TO ASSIST IN THE TRANSPORT OF REFUGEES.

(2) QTE OUR PARTICIPATION IN THE REFUGEE EVACUATION IS PART OF AN INTERNATIONAL HUMANITARIAN RELIEF EFFORT. AT THIS POINT A NUMBER OF COUNTRIES, INCLUDING AUSTRALIA, THE UNITED KINGDOM, THE REPUBLIC OF CHINA AND THE REPUBLIC OF THE PHILIPPINES ARE EXPECTED TO PARTICIPATE.

(3) QTE UNITED STATES NAVAL VESSELS, PRINCIPALLY CONSISTING OF TRANSPORT SHIPS, WILL ENTER VIET-NAM WATERS IN ORDER TO PICK UP REFUGEES BEING FERRIED OUT FROM THE COAST. I AM ADVISED HOWEVER OUR VESSELS WILL STAND OFF SHORE AND NOT PARTICIPATE IN HOSTILITIES.

(4) UNDER THE PRESENT PLAN A GROUP OF FOUR TRANSPORT VESSELS WILL LEAVE THEIR PACIFIC BASES FOR VIET-NAM WATERS TO UNDERTAKE THIS TASK. I AM INFORMED THE STEAMING TIME FOR CLOSEST VESSEL IS ESTIMATED TO BE A DAY AND ONE-HALF. JOHN U. MARSH, COUNSELOR TO THE PRESIDENT. END QTE. XISS



CONFIDENTIAL

[ca. 3/29/75]

The President wanted me to advise you of the following:

In response to the appeals from the Government of the Republic of Viet-Nam and because of the extremely grave nature of the circumstances involving the lives of hundreds of thousands of refugees, the United States is taking the following action:

1. The President has ordered U. S. participation in a naval evacuation effort off the coast of Viet-Nam to assist in the transport of refugees.
2. Our participation in the refugee evacuation is part of an international humanitarian relief effort. At this point a number of countries, including Australia, the United Kingdom, the Republic of China and the Republic of the Philippines are also expected to participate.
3. United States naval vessels, principally consisting of transport ships, will enter Viet-Nam waters in order to pick up refugees being ferried out from the coast. I am advised, however, our vessels will stand off shore, and not participate in hostilities.
4. Under the present plan a group of four transport vessels will leave their Pacific bases for Vietnam waters to undertake this task. The steaming time for the closest vessel is estimated to be a day and a half, I am informed.



THE WHITE HOUSE
WASHINGTON

[ca. 3/29/75]

Phil,

As per our
conversation last
Saturday evening,
here is State's
second draft reference
to War Powers.

Wolthun



3/29/75

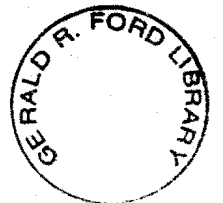
Message to Congressional Leaders, including Chairman and Ranking
Minority Members

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/s/ John O. Marsh, Jr.
Counsellor to the President



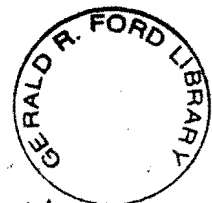
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1. The President has ordered U.S. participation in a naval evacuation effort off the coast of Viet-Nam to assist in the transport of refugees.
2. The President wishes the Congress to be fully informed of what we are doing.
3. Our participation in the refugee evacuation is part of an international humanitarian relief effort. At this point a number of countries, including Australia, the United Kingdom, the Republic of China and the Republic of the Philippines are also participating.
4. United States naval vessels, principally consisting of transport ships, will enter Viet-Nam waters in order to pick up refugees being ferried out from the coast. However our vessels will not enter combat areas or participate in any hostilities.
5. A group of _____ transport vessels are leaving the naval base in the Philippines for Viet-Nam waters to take up this task.

Responses to Further Questions

Q: Is this consultation under the War Powers Resolution?

A: Section 3 of the resolution requires consultation only when United States forces are to be introduced into hostilities



or circumstances where hostilities are imminent. That is not the case here. [However, we are informing the Congress of our actions in accordance with the general spirit of the War Powers Resolution.] This is a humanitarian effort in which involvement in hostilities will be avoided.

Q: Will the ships fire back if fired upon?

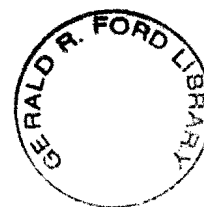
A: No, if there is any serious risk from hostile fire, they will withdraw.

Q: Does our action violate the statute prohibiting United States military forces in Indochina since August 1973?

A: No. The statute prohibiting U.S. military forces in Indochina is designed to prevent U.S. involvement in hostilities. U.S. military personnel engaged in this humanitarian relief operation will not be involved in hostilities.

Q: Does the United States action violate the 1973 Agreement on ending the war and restoring peace in Viet-Nam?

A: Where refugees have been forced to flee by North Vietnamese forces, whose actions constitute a massive violation, we are not bound to refrain from humanitarian efforts to assist those refugees.



MEMORANDUM

THE WHITE HOUSE

WASHINGTON

Sat Mar 29, 1975

Notification of Senators regarding use of Navy off Coast of South Vietnam.

Senator Eastland: Pleased President has done this.

Mansfield: (cabled to Mexico)

Byrd (W. Va.): Thinks President is doing right thing.

Scott: (Pa) Cabled to Europe

Griffin: Cabled to Mexico

Stennis: Very good move. We have obligation.

Thurmond: Agrees with action

Sparkman: Thinks this is a good move.

Care: Said O. K.

McClellan: Not available

Young: Said "Fine".

Note: All Senator were reached late afternoon, Mar 29, 1975


William Kendall



OPI IMMED
ESA5940MA358
DE RUQMAT #2462 0900833
O 310830Z MAR 75
FM AMEMBASSY ATHENS

TO SECSTATE WASHDC IMMEDIATE 8090

CONFIDENTIAL

LIMITED OFFICIAL USE ATHENS 2462
EO 11652 NA
TAGS VS, PDEV, MILI
SUBJ: WHITE HOUSE MESSAGE FOR CONGRESSIONAL LEADERSHIP
REF STATE 071735

1. PLEASE PASS TO WHITE HOUSE FOR JOHN O. MARSH,
COUNSELOR TO THE PRESIDENT.
2. MESSAGE CONCERNING VIETNAM EVACUATION EFFORTS DELIVERED
TO CONGRESSMEN IN ATHENS SUNDAY MORNING.
KUBISCH
BT



THE WHITE HOUSE

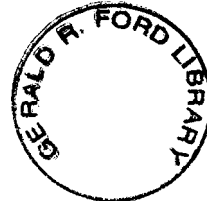
WASHINGTON

March 31, 1975

MEMORANDUM FOR THE FILE

Pursuant to instructions from Jack Marsh the following Members of the Senate and House leadership were notified by the House and Senate Legislative Affairs staff regarding the U.S. military role in evacuating refugees in Viet Nam. Attached is a copy of the cable which was sent to Members of the above list who were abroad. The others were contacted by telephone.

Eastland - Miss.
Mansfield - Mexico (Cabled)
Scott - Europe (Cabled)
Byrd - W. Va.
Griffin - Mexico (Cabled)
Stennis - Miss.
Thurmond - S.C.
Sparkman - Ala.
Case - N.J.
McClellan - Ark.
Young - N.D.
Speaker - China (Cabled)
Rhodes - China (Cabled)
O'Neill - Middle East (Cabled)
McFall - Calif.
Morgan - Pa.
Broomfield - Mich.
Price - Athens (Cabled)
Wilson - Athens (Cabled)
Mahon - Tex.
Cederberg - Mich.
Michel - Ill.
Anderson - Athens (Cabled)
J. Edwards - Ala.



Robert K Wolthuis

Robert K Wolthuis

*Cable on
Viet Nam*

The President wanted me to advise you of the following:

*Save
3-29-75*

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1/9/ JOM



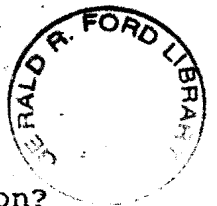
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