

This Copy For \_\_\_\_\_

NEWS CONFERENCE

#184

---

WITH RON NESSEN

AT THE WHITE HOUSE

AT 11:10 A.M. PDT

APRIL 5, 1975

SATURDAY

(Palm Springs, California)

MR. NESSEN: You have been given a packet of relatively routine announcements concerning two intentions to nominate and an appointment, and two proclamations, one of Maritime Day and one of Trade Week.

The President, as the pool has reported to you, is playing golf this afternoon. He will resume his meeting with Secretary Kissinger and General Weyand somewhere around 2:30 or 3 o'clock. I cannot tell you how long the meeting will last.

The President's plans for this evening are to stay at home at the moment and to have dinner with some members of his staff.

General Weyand will be returning to Washington tomorrow, sometime early in the day. Dr. Kissinger will be staying and will go back to Washington on Monday.

Q With the President?

MR. NESSEN: Probably with the President.

Q Is he going to church tomorrow?

MR. NESSEN: There are no church plans for tomorrow. I think we possibly could have something to post at 4 o'clock, so I suggest that you check here at 4 o'clock.

Q Does that concern the orphans?

MR. NESSEN: Let's wait and see what it turns out to be.

Q Ron, 4 o'clock is getting late. Can you give us any indication of the probability of a Travis visit?

MORE

#184

MR. NESSEN: There is still a possibility.

Q That will be a posting, not a briefing?

MR. NESSEN: A posting at 4 o'clock.

Q For guidance, can you tell us whether Travis would be Sunday or Monday?

MR. NESSEN: I just say that is a possibility, John.

Q You don't know which day?

MR. NESSEN: I don't have anything further at the moment.

Q Ron, there is a plane due in Seattle tonight. Can you rule that out?

MR. NESSEN: Yes, sir.

Q Can you rule out any word any more today?

MR. NESSEN: Let's wait until we have it locked up, Jim, and then we won't have to rule out or rule in.

Q Ron, will you be able to tell us within a few minutes after this afternoon's meeting concludes?

MR. NESSEN: Yes.

Some of you may recall that last Saturday the President announced that he was directing four Navy ships to base themselves off the coast of Vietnam, in a humanitarian effort to pick up refugees.

In the course of this humanitarian effort, one of the ships; namely, a Durham --

Q What type ship is this?

MR. NESSEN: An LKA.

Q A transport?

MR. NESSEN: Navy transport ship.

Q What is an LKA?

MR. NESSEN: It is a transport ship.

In the course of the humanitarian effort, the Durham, on the 3rd of April, entered the territorial waters of South Vietnam and picked up a total of 1404 refugees in the area of Phan Rang.

In keeping with his desire to keep Congress fully informed on this humanitarian effort, and taking note of a provision of the war powers resolution, the President has sent a message to the Speaker of the House and to the President Pro Tem of the Senate, Senator Eastland, and to the acting Speaker of the House, Congressman McFall, giving a report on the activities of the Durham.

We also have a posting, as I say, or there is the possibility of a posting at 4 o'clock.

MORE

Q Ron, I came in late, but why was it necessary to inform the Congress about the activities of the Durham? Did they exceed their instructions by going into the territorial waters?

MR. NESSEN: No, they did not exceed their instructions.

Q Did they exceed the prohibition in the War Powers Act is what I am getting at. Why did he feel it necessary to inform the Congressional leaders?

MR. NESSEN: Primarily because he feels he wants to keep Congress fully informed on this humanitarian effort.

Q But we are doing a lot of things out there. Is he keeping them informed about other things or just the Durham?

MR. NESSEN: No, he is keeping them informed on other things.

Q Ron, under the War Powers Act, did they go in to get Americans or South Vietnamese? Is that the technical difference?

MR. NESSEN: No. There was a total of 1404 refugees. As far as I know, they were all Vietnamese, but you need to check with the Pentagon on that.

Q Where are they heading for?

Q Where did they take them?

MR. NESSEN: The messages I have say they were transported to safety, but I am sorry that I do not have the location where they were taken.

Q Ron, what is the provision of the War Powers Act that you say the President acted under? What does it require?

MR. NESSEN: No, wait a minute, Ralph. I said, "taking note of a provision of the War Powers Act."

Q What does that provision say?

MR. NESSEN: The government lawyers don't agree that there is any requirement to make this report. The President is doing it because he wants to keep Congress fully informed on the humanitarian effort. The provision he took note of was Section 4, which states that, "In case United States Armed Forces are introduced into" -- and then it lists a variety of situations.

The situation that the President took note of was subparagraph two. "The introduction of United States Armed Forces into the territory, air space, or waters of a foreign nation, while equipped for combat except for deployments which relate solely to supply, replacement, repair, or training of such forces."

Q Ron, did the President suddenly discover that he had \$175 million in the pipeline, or what?

MR. NESSEN: Let's clear up whatever other questions there may be on this matter.

Q Was this ship fired upon or something?

MR. NESSEN: No.

Q What prompts this?

MR. NESSEN: Nothing prompts it except the President's desire to keep Congress informed and the fact he is taking note of provisions of the War Powers Act.

Q Have the other three ships not succeeded in picking up any refugees?

MR. NESSEN: They have not entered Vietnamese territorial waters.

Q That is the point we are getting at.

MR. NESSEN: I am sorry, Peter. I know what you are getting at. It was felt this ship did, on one occasion, enter South Vietnam territorial waters, but prior to then, and since then, as far as I know, all four ships have remained outside of Vietnamese territorial waters.

Q Was there enemy gunfire directed against the Durham during this operation?

MR. NESSEN: There was not.

Q Was the vessel escorted by U.S. aircraft or surface vessels?

MR. NESSEN: Not that I know of, no.

Q In what you gave us here, I don't see how he had the authority to go in. Was he going in to supply?

Q Was this ship equipped for combat?

MR. NESSEN: Let me back up. This provision of the War Powers Act which the President takes note of and which government lawyers do not agree is a requirement provides that "if American Armed Forces are introduced into"-- and then it lists the variety of conditions and I have given the one that he is taking note of here.

Then, the remainder of that sentence reads, "the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President Pro Tem of the Senate, a report in writing." As I say, he is taking note of that without agreeing that it is required.

MORE

Q So, the combat thing is what bothers him?

MR. NESSEN: No. It is the entire description, "that forces equipped for combat go into an area of a foreign nation while equipped for combat." The equipment for combat -- they are equipped for combat within the legal definition of the law, but I do want to make the point that their whole purpose for being there is to assist --

Q We don't want to strain the point, Ron, but the fact is that humanitarian purposes are not included in subparagraph two.

MR. NESSEN: But that is the very point. It says "ships that go in for other reasons than those."

Q I did not get that from you.

Q Would you read that again.

MR. NESSEN: The law reads, "In any case in which United States Armed Forces are introduced," then various subsections. The one he is taking note of here is subsection two, "into the territory, air space or waters of a foreign nation while equipped for combat except for deployment relating solely to supply," except for those occasions.

Then the President shall submit a report. So, since humanitarian reasons is not one of the exceptions, he is taking note of the fact that there is a provision for reporting.

Q I asked about the \$175 million.

MR. NESSEN: No, that is no great mystery. In fact, it has come up here a number of times. As you know, \$700 million was appropriated for this fiscal year, which lasts until July 1. What was the figure Henry used, \$175 million?

That means \$525 million has been spent so far and the other \$175 million is in the process of being spent between now and July 1.

Q Has the President talked with David Kennerly since he got back?

MR. NESSEN: Yes, he has.

Q Did Kennerly tell him in substance what I guess he told the pool?

MR. NESSEN: I did not attend the meeting, Marty.

Q Ron, where is the President playing golf today?

MR. NESSEN: Didn't the pool report have that?

Q Is he playing golf tomorrow?

MR. NESSEN: Possibly.

THE PRESS: Thank you, Ron.

END (AT 11:25 A.M. PDT)