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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

File: Mayaguez

B-133001

July 8, 1975

The Honorable Henry A. Kissinger
Assistant to the President
The White House

Dear Mr. Kissinger:

On June 23, 1975, the Chairman of the Subcommittee on International Political and Military Affairs, House International Relations Committee, requested GAO to undertake a review of two related issues:

1. The seizure of the U.S. vessel Mayaguez and subsequent diplomatic and military efforts to secure its release.
2. Possible improvements in the crisis prevention and crisis management operations of our government, specifically, the planning and execution of military operations; the speed and adequacy of military and diplomatic communications; and the adequacy of arrangements for briefing and consulting the Congress.

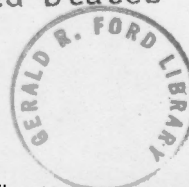
The Subcommittee has asked that GAO's review be as broad and thorough as possible and recognized that the nature of the subject would require access to information and responsible officials at the highest level. We would appreciate your cooperation in this effort.

This review will be conducted under the general supervision of Mr. C.D. Hylander, Deputy Director, International Division, Room 4804, telephone number 386-4515. Mr. R.E. Sullins, Assistant Director, ID, Room 4116, telephone number 386-5445, will head a special working group to carry out this assignment.

Sincerely yours,

James R. Beards

Comptroller General
of the United States





UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

Mayaguez

INTERNATIONAL DIVISION

JUL 15 1975

Philip W. Buchen
Counsel to the President
The White House

Dear Mr. Buchen:

Pursuant to a request of the Subcommittee on International Political and Military Affairs of the House International Relations Committee, we would like to obtain copies of all White House press briefings and press releases on the Mayaguez seizure up to and including the controversy over the number of U.S. casualties. We would appreciate receiving this information as soon as possible.

If any additional information is needed please contact Mr. Walter Ochinko, Room 4116, GAO Building, or phone 386-5445. Thank you for your cooperation.

Sincerely yours,

Walter S. Ochinko

Walter S. Ochinko
International Relations
Specialist





UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

INTERNATIONAL DIVISION

JUL 18 1975

The Honorable Henry A. Kissinger
Assistant to the President
The White House

Attention: Michael Hornblow

Dear Dr. Kissinger:

On July 8, we notified you of our request from the House International Relations Subcommittee for an analysis of the seizure of the Mayaguez and of the Executive Branch crisis prevention and crisis management system. We notified you at that time of the broad character of this analysis and the requirements for access to information and responsible officials at the highest level.

In fulfillment of this responsibility we have identified the enclosed requirements and would appreciate this information at the earliest possible date.

If any clarification of these requirements is needed, please contact Mr. C. D. Hylander, Deputy Director, on 386-6548.

Sincerely yours,

Michael F. Oppenheimer

Michael F. Oppenheimer

Enclosure



NSC DOCUMENTS REQUIRED

PRE-SEIZURE PERIOD

NSC analyses, or discussions of, character and authority of Cambodian Government, nature of political/military relations, local Cambodian force dispositions, U.S.-Cambodian, Cambodian-Vietnamese relations, activities of Cambodian Navy in the area of Mayaguez seizure. Nature of intelligence reaching NSC on above issues, NSC directions to other agencies--including intelligence community--for information or analyses on above issues.

Records of discussion within NSC Intelligence Committee, communications between Intelligence Committee and intelligence community--including CIA, DIA, NSA, INR; Intelligence Committee evaluations or reviews of intelligence gathering in Southeast Asia.

Records of discussion in any meetings of the 40 Committee concerning activities in or near Cambodia.

MAY 12 - MAY 15

Record of discussion at Scowcroft intelligence briefing for the President, morning of May 12, and any subsequent intelligence briefings through May 15 provided between full NSC meetings.

Record of discussion at Senior NSC Staff meeting, morning of May 12, and subsequent staff meetings held during periods between full NSC meetings.

Communications between Dr. Kissinger and/or the NSC staff, and other departments and officials prior to first formal NSC meeting 12 noon, May 12; for example, identification of issues to be addressed by full NSC, description of possible options for U.S. Government response, description of events--and of quality of intelligence--available at that time, request for specific departmental contributions during the meeting, etc.

Following information regarding the five NSC meetings on the Mayaguez seizure (meetings on May 12, two on May 13, May 14, and 15):

--NSC staff preparation for each meeting

--pre- and post-meeting communications to other agencies and officials (including State, DOD, CIA, JCS, the President) concerning the seizure and subsequent development, options to be addressed, understandings reached during the formal meetings, implementation of NSC decisions (both diplomatic and military) etc.



--list of all participants invited to and attending NSC discussions

--minutes of NSC discussions

--internal NSC summaries and evaluations of NSC meetings.

Records of discussion within any other policy council--either ad hoc or pre-established (Washington Special Action Group, NSC Intelligence Committee, 40 Committee) during the episode.

Substance of any direct communications with the President during interim between NSC meetings.

Substance and timing of NSC communications with the Congress.

Substance, sources, and timing of all intelligence (diplomatic and military) provided to NSC during period.

POST-SEIZURE PERIOD

Any post-mortems on the operation of the crisis management system, adequacy of intelligence collection and dissemination, quality of the options process, nature of policy debates, control over implementation of diplomatic and military decisions, etc. Information should include, but not be limited to, the "Executive Summary of the Mayaguez Incident."



MEMORANDUM

NATIONAL SECURITY COUNCIL

July 21, 1975

MEMORANDUM FOR: PHIL BUCHEN
FROM: LES JANKA
SUBJECT: GAO Request for Mayaguez Information

The attached is for your information. As you can see it looks like we are heading into another major confrontation. We are now seeking Secretary Kissinger's guidance on how he wants us to approach this problem.



Mayaguez

THE WHITE HOUSE
WASHINGTON

July 21, 1975

Dear Mr. Ochinko:

In accordance with your letter of July 15, 1975, requesting copies of all White House press briefings and press releases on the Mayaguez seizure, I have enclosed the requested items.

I trust this satisfies your inquiry.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Mr. Walter S. Ochinko
International Division
United States General Accounting Office
Washington, D. C. 20548

Enclosure





UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

INTERNATIONAL DIVISION

JUL 15 1975

Philip W. Buchen
Counsel to the President
The White House

Dear Mr. Buchen:

Pursuant to a request of the Subcommittee on International Political and Military Affairs of the House International Relations Committee, we would like to obtain copies of all White House press briefings and press releases on the Mayaguez seizure up to and including the controversy over the number of U.S. casualties. We would appreciate receiving this information as soon as possible.

If any additional information is needed please contact Mr. Walter Ochinko, Room 4116, GAO Building, or phone 386-5445. Thank you for your cooperation.

Sincerely yours,

Walter S. Ochinko

Walter S. Ochinko
International Relations
Specialist



May 12 STATEMENT BY WH PRESS SECT'Y that Cambodian naval vessel has seized American merchant ship.

May 14 STATEMENT BY WH PRESS SECT'Y re: President's military directives

May 14 TEXT OF MESSAGE TO THE CAMBODIAN AUTHORITIES FROM THE UNITED STATES GOV'T.

May 15 STATEMENT BY THE PRESIDENT ON THE SS MAYAGUEZ.

May 15 TEXT OF A LETTER TO THE SPEAKER AND PRESIDENT PRO TEM.

May 16 REMARKS OF THE PRESIDENT AT THE NATIONAL REPUBLICAN HERITAGE GROUPS COUNCIL

May 18 REMARKS OF THE PRESIDENT AT THE UPENN COMMENCEMENT EXERCISES.

May 18 EXCHANGE OF REMARKS IN A TELEPHONE CONVERSATION BETWEEN THE PRESIDENT AND NORRIS COTTON, FORMER SENATOR FROM NEW HAMPSHIRE AT THE NORTHEAST BUSINESS GROUP AND SMALL BUSINESS SERVICE BUREAU.

May 23 INTERVIEW OF THE PRESIDENT BY HENRI BRANDON, ADALBERT DE SEGONZAC, JAN REIFENBERG, MARIO DE MEDICI, AND ROBIN MACNEIL.

May 24 PRESS CONFERENCE OF HENRY A. KISSINGER, RM 450 OEOB.

June 25 PRESS CONFERENCE No. 16 OF THE PRESIDENT OF THE UNITED STATES

July 12 PRESS CONFERENCE No. 17 OF THE PRESIDENT OF THE UNITED STATES.

May 12 NEWS CONFERENCE (1:50 P.M.)

May 12 NEWS CONFERENCE (4:30 P.M.)

May 13 NEWS CONFERENCE (6:54 A.M.)



May 13	NEWS CONFERENCE (9:53 A. M.)
May 13	NEWS CONFERENCE (12:15 P. M.)
May 13	NEWS CONFERENCE (7:35 P. M.)
May 14	NEWS CONFERENCE (11:50 A. M.)
May 14	NEWS CONFERENCE (8:30 P. M.)
May 14	NEWS CONFERENCE (9:15 P. M.)
May 15	NEWS CONFERENCE (12:45 A. M.)
May 15	NEWS CONFERENCE (11:58 A. M.)
May 19	NEWS CONFERENCE (11:11 A. M.)
May 21	NEWS CONFERENCE (12:20 P. M.)
May 22	NEWS CONFERENCE (12:09 P. M.)

June 11

"

"

(11:34 A. M.)



NATIONAL SECURITY COUNCIL

July 22, 1975

TO: PHIL BUCHEN

FROM: LES JANKA

FYI.





COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

4699
JH

B-133001

July 22, 1975

The Honorable Henry A. Kissinger
Assistant to the President
The White House

Dear Mr. Kissinger:

This is in further reference to my letter to you of July 8, 1975, advising that GAO had been requested by the Subcommittee on International Political and Military Affairs, House International Relations Committee to review the seizure of the U.S. vessel Mayaguez and crisis prevention and crisis management operations of our Government. Since my earlier letter, our Office has been requested informally by the staff of the National Security Council (NSC) to identify the statutory basis for our review and for the requests for information and documents that have been made of NSC.

Our review is being performed in accordance with the statutory mandate of 31 U.S.C. Sec. 1154(a), and in conformity with the requirements imposed upon GAO by 31 U.S.C. Sec. 53. GAO's right to documents and information derives from the provision of 31 U.S.C. Sec. 54 that "[a]ll departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization . . . of their respective offices as he may from time to time require of them; and the Comptroller General or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers or records of any such departments or establishment"

We have not been successful in obtaining information and documents from NSC that we consider necessary if we are to complete the review requested by the Subcommittee. If it is the position of NSC that it will not supply us with the documents and information we seek, may we please be informed in writing of the reasons, including legal justification, so that we can attempt to resolve any differences that may exist, and failing that, report accurately NSC's position to the Subcommittee.

Sincerely yours,

Thomas B. Heath

Comptroller General
of the United States



July 23, 1975

MEMORANDUM FOR:

WILLIAM CASSELMAN

FROM:

Jeanne W. Davis /s/

SUBJECT:

GAO Investigation of
Mayaguez Incident

May we please have your clearance and/or comment on the attached self-explanatory package as soon as possible. The GAO investigating team has already approached State, Defense and CIA for documents and interviews. State has provided them with some unclassified information and several of their people have been interviewed. The team has spoken with Mort Abramowitz in Defense. CIA has provided no documents nor set up any interviews and, at the present time, does not intend to.

You should also know that Bob McCloskey has called Congressman Fascell, indicating that several of the principals were prepared to testify on the incident and suggesting that he call off the GAO team for the present. Fascell agreed to consider the matter and call McCloskey, but has not yet done so.



NATIONAL SECURITY COUNCIL

SECRETACTION
July 23, 1975

MEMORANDUM FOR: SECRETARY KISSINGER

FROM: W. L. STEARMAN *WLS*

SUBJECT: GAO-Congressional Study of the Mayaguez Incident

At Tab I is a reply from you to Elmer Staats, the Comptroller General of the United States, who has written to you (Tab A) informing you that the Chairman of the Subcommittee on International Political and Military Affairs, House International Relations Committee, has requested the GAO to undertake a study of the following two issues:

-- The seizure of the U.S. vessel Mayaguez and subsequent diplomatic and military efforts to secure its release.

-- Possible improvements in crisis prevention and crisis management operations of our Government, specifically the planning and execution of military operations; the speed and adequacy of military and diplomatic communications; and the adequacy of arrangements for briefing and consulting the Congress.

Mr. Staats further states that the Committee has asked that this study be as broad and thorough as possible and that therefore access to information and responsible officials at the highest level would be required. He asks for your cooperation in this effort. We understand a similar request has been made of the State and Defense Departments.

We have now received two additional communications from the GAO:

-- The letter at Tab B detailing the National Security Council material sought, including records of discussions in all NSC-related groups, intelligence briefings of the President and internal NSC papers;

-- An additional letter from Staats (Tab C) spelling out the statutory authority for their investigation and indicating that they have "not been successful in obtaining information and documents from (the) NSC";

SECRET - GDS

KBH 4/17/89

this is extremely misleading because we have not denied them any material but have told them that we have their request under active consideration.

There are two issues in this matter requiring decision:

-- Does the GAO have a legitimate right to investigate either of these subjects, and

-- If they do, how much information and classified material are we willing to provide to them.

We therefore would seem to have the four following options available:

- Option 1: Refuse to cooperate with this study, claiming that the subject matter involved is entirely within the purview of the Executive Branch.

- Option 2: Acknowledge that the GAO has a legitimate right to study certain aspects of these issues and then provide them with materials we have already released to the Congress, such as answers to letters from specific Congressmen, a detailed chronology, and the testimony of Deputy Assistant Secretary Miller. We could also offer to consider any additional specific questions that the GAO might have once they have examined this material.

- Option 3: Provide the GAO with the materials we have already released to the Congress plus some additional classified information which we have not yet released. Included in this could be copies of Defense Department tactical operations messages, additional chronologies prepared by the intelligence community and an analysis of the functioning of the intelligence community that was prepared by Bill Colby's staff. In this option, we would still hold back the most sensitive materials, such as minutes of the NSC meetings and intelligence derived from sensitive sources.

- Option 4: Provide the GAO with all classified materials and records available.

We recommend that you approve Option 2. It seems clear that the Congress has the authority to investigate the general situation surrounding the seizure of the Mayaguez and our efforts to secure its

release. We have already provided the Congress a great deal of information on this subject. At the same time, we do not believe that the GAO has the authority to conduct a detailed investigative analysis of the conduct of tactical military operations and our most sensitive diplomatic communications. Option 2 would allow us to be forthcoming in those areas where the Congress has a legitimate interest but also allow us to exclude those areas involved that are either too sensitive to be opened to investigation or are not within the purview of the GAO.

At Tab I is a letter from you to the Comptroller General. Your letter thanks him for informing you of the GAO study, indicates we have already provided a great deal of information on these subjects to the Congress, offers to provide copies of this information to the GAO and states that we would be willing to consider further any specific questions that they might have. Your letter also indicates that Jeanne Davis will be the point of contact on the staff for this study. We will, of course, coordinate fully with the White House Counsel and the Congressional office.

Bill Casselman, Max Friedersdorf and Les Janka concur.

RECOMMENDATION:

That you approve Option 2 and that you sign the letter to the Comptroller General at Tab I.

Approve _____

Disapprove; prefer option _____

Other _____



THE WHITE HOUSE

WASHINGTON

Dear Mr. Staats:

Thank you very much for your letter of July 8 informing me of the request made by the Subcommittee on International Political and Military Affairs for review of the Mayaguez incident and of crisis management operations within the Executive Branch.

As you know, we have already provided a great deal of information on these subjects to the Congress in the form of testimony by senior officials within the Executive Branch, responses to inquiries by Congressional committees and responses to letters from individual Congressmen. I have asked my staff to provide the GAO investigators with copies of this information. Should they have any further specific questions after they have reviewed the material my staff will be prepared to consider them.

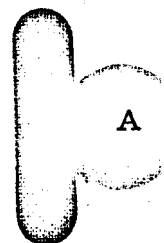
Your point of contact on the NSC Staff will be the Staff Secretary, Mrs. Jeanne W. Davis, who can be reached on 395-3440.

Sincerely,

Henry A. Kissinger

Mr. Elmer B. Staats
Comptroller General
of the United States
Washington, D. C. 20548





4699



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-133001

July 8, 1975

The Honorable Henry A. Kissinger
Assistant to the President
The White House

Dear Mr. Kissinger:

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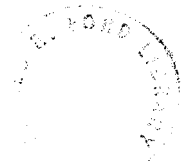
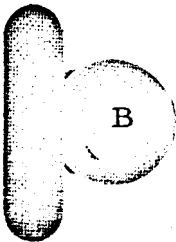
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Sincerely yours,
James B. Steele

Comptroller General
of the United States





UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

INTERNATIONAL DIVISION

JUL 18 1975

The Honorable Henry A. Kissinger
Assistant to the President
The White House

Attention: Michael Hornblow

Dear Dr. Kissinger:

On July 8, we notified you of our request from the House International Relations Subcommittee for an analysis of the seizure of the Mayaguez and of the Executive Branch crisis prevention and crisis management system. We notified you at that time of the broad character of this analysis and the requirements for access to information and responsible officials at the highest level.

In fulfillment of this responsibility we have identified the enclosed requirements and would appreciate this information at the earliest possible date.

If any clarification of these requirements is needed, please contact Mr. C. D. Hylander, Deputy Director, on 386-6548.

Sincerely yours,

A handwritten signature in cursive script, reading "Michael F. Oppenheimer".

Michael F. Oppenheimer

Enclosure



NSC DOCUMENTS REQUIRED

PRE-SEIZURE PERIOD

NSC analyses, or discussions of, character and authority of Cambodian Government, nature of political/military relations, local Cambodian force dispositions, U.S.-Cambodian, Cambodian-Vietnamese relations, activities of Cambodian Navy in the area of Mayaguez seizure. Nature of intelligence reaching NSC on above issues, NSC directions to other agencies--including intelligence community--for information or analyses on above issues.

Records of discussion within NSC Intelligence Committee, communications between Intelligence Committee and intelligence community--including CIA, DIA, NSA, INR; Intelligence Committee evaluations or reviews of intelligence gathering in Southeast Asia.

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MAY 12 - MAY 15

Record of discussion at Scowcroft intelligence briefing for the President, morning of May 12, and any subsequent intelligence briefings through May 15 provided between full NSC meetings.

Record of discussion at Senior NSC Staff meeting, morning of May 12, and subsequent staff meetings held during periods between full NSC meetings.

Communications between Dr. Kissinger and/or the NSC staff, and other departments and officials prior to first formal NSC meeting 12 noon, May 12; for example, identification of issues to be addressed by full NSC, description of possible options for U.S. Government response, description of events--and of quality of intelligence--available at that time, request for specific departmental contributions during the meeting, etc.

Following information regarding the five NSC meetings on the Mayaguez seizure (meetings on May 12, two on May 13, May 14, and 15):

--NSC staff preparation for each meeting

--pre- and post-meeting communications to other agencies and officials (including State, DOD, CIA, JCS, the President) concerning the seizure and subsequent development, options to be addressed, understandings reached during the formal meetings, implementation of NSC decisions (both diplomatic and military) etc.



--list of all participants invited to and attending NSC discussions

--minutes of NSC discussions

--internal NSC summaries and evaluations of NSC meetings.

Records of discussion within any other policy council--either ad hoc or pre-established (Washington Special Action Group, NSC Intelligence Committee, 40 Committee) during the episode.

Substance of any direct communications with the President during interim between NSC meetings.

Substance and timing of NSC communications with the Congress.

Substance, sources, and timing of all intelligence (diplomatic and military) provided to NSC during period.

POST-SEIZURE PERIOD

Any post-mortems on the operation of the crisis management system, adequacy of intelligence collection and dissemination, quality of the options process, nature of policy debates, control over implementation of diplomatic and military decisions, etc. Information should include, but not be limited to, the "Executive Summary of the Mayaguez Incident."



201)
JUNE 19, 1975

STATEMENT OF ROBERT H. MILLER
DEPUTY ASSISTANT SECRETARY
FOR EAST ASIAN AND PACIFIC AFFAIRS
DEPARTMENT OF STATE

TO THE SUBCOMMITTEE ON INTERNATIONAL
POLITICAL AND MILITARY AFFAIRS
COMMITTEE ON INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

I AM HAPPY TO APPEAR BEFORE YOU AS THE DEPARTMENT OF STATE WITNESS TODAY TO TESTIFY CONCERNING THE MAYAGUEZ AFFAIR. I WAS PRIVILEGED TO TESTIFY IN EXECUTIVE SESSION ON THE SAME SUBJECT BEFORE THIS SUBCOMMITTEE, AS WELL AS BEFORE THE FULL HOUSE INTERNATIONAL RELATIONS COMMITTEE, HOUSE ARMED SERVICES COMMITTEE, AND DEFENSE SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS, A MONTH AGO. THE DEPARTMENT OF STATE'S LEGAL ADVISER HAS ALREADY TESTIFIED BEFORE THE INTERNATIONAL SECURITY AND SCIENTIFIC AFFAIRS SUBCOMMITTEE OF THE HOUSE INTERNATIONAL RELATIONS COMMITTEE REGARDING CONSULTATIONS WITH THE CONGRESS ON THE INCIDENT. I ASSUME THAT YOU ALSO WILL WANT TO HEAR WITNESSES FROM THE DEPARTMENT OF DEFENSE ON THE INCIDENT'S MILITARY ASPECTS.

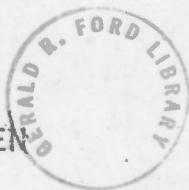
I BELIEVE THE BASIC ELEMENTS OF THE MAYAGUEZ INCIDENT ARE WELL-KNOWN, BUT LET ME SUMMARIZE THEM BRIEFLY AND THEN BE PREPARED TO ANSWER YOUR QUESTIONS.

AS THE PRESIDENT STATED IN HIS LETTER OF MAY 15 TO THE SPEAKER OF THE HOUSE, OUR OBJECTIVE IN THIS OPERATION WAS THE RESCUE OF THE CAPTURED AMERICAN CREW ALONG



WITH THE RETAKING OF THE MAYAGUEZ. OUR IMMEDIATE EFFORT WAS TO TRY DIPLOMATIC MEANS TO ACHIEVE THESE ENDS. YOU ARE ALL AWARE THAT WE TRIED TO REACH THE CAMBODIANS IN PEKING DIRECTLY AND THROUGH THE CHINESE BOTH HERE AND IN PEKING. WHEN NO ANSWER TO THESE APPROACHES WAS FORTHCOMING, WE ALSO CONTACTED THE SECRETARY GENERAL OF THE UN TO ASK THAT HE PROVIDE HIS GOOD OFFICES FOR A DIPLOMATIC SOLUTION.

ON TUESDAY EVENING, AT THE END OF THE SECOND DAY OF DIPLOMATIC EFFORTS, AND AFTER NO RESPONSE TO THESE EFFORTS HAD BEEN RECEIVED, U.S. AIRCRAFT TOOK MEASURES TO LIMIT CAMBODIAN NAVAL STRENGTH IN THE AREA, TO PREVENT REINFORCEMENT FROM THE MAINLAND, AND TO PRECLUDE THE REMOVAL OF THE MAYAGUEZ CREW TO THE MAINLAND WHERE THEIR RESCUE WOULD BE MORE DIFFICULT. THESE MEASURES INCLUDED THE SINKING OF AT LEAST THREE CAMBODIAN ARMED PATROL SHIPS WHICH FIRED UPON U.S. AIRCRAFT. AT THE SAME TIME, ONE VESSEL SUSPECTED OF HAVING U.S. CAPTIVES ABOARD WAS PERMITTED TO REACH THE MAINLAND AFTER EFFORTS TO INDUCE IT TO TURN BACK FAILED. BY WEDNESDAY EVENING, HAVING STILL, SEEN NO POSITIVE RESULT FROM OUR DIPLOMATIC EFFORTS, WE BEGAN MILITARY OPERATIONS TO RECOVER THE SHIP AND ITS CREW. THE MARINES LANDED AT KOH TANG ISLAND AT ABOUT 7:30 P.M. E.D.T. THE LANDING WAS ORDERED BECAUSE WE BELIEVED THAT AT LEAST SOME OF THE CREW WERE THERE, EVEN



THOUGH WE ALSO SUSPECTED THAT SOME WERE STILL ON THE SHIP OR HAD BEEN MOVED TO THE MAINLAND.

AS SECRETARY KISSINGER POINTED OUT, AFTER SOME 60 HOURS OF DIPLOMATIC EFFORTS WE THOUGHT THAT THE RISKS OF WAITING ANOTHER 24 TO 48 HOURS IN THE ABSENCE OF ANY COMMUNICATION WHATSOEVER FROM ANY GOVERNMENT WERE GREATER THAN THE RISKS OF GOING AHEAD. WE BELIEVE THAT THIS JUDGMENT WAS BORNE OUT BECAUSE THE CAMBODIANS DID NOT REPLY TO OUR NOTE. ONCE MILITARY OPERATIONS TO SECURE THE RELEASE OF THE SHIP AND THE CREW WERE UNDERWAY, WE LEARNED THAT THE CAMBODIANS HAD BROADCAST LOCALLY -- AND IN CAMBODIAN -- A MESSAGE THAT THEY WOULD RELEASE THE SHIP. THIS MESSAGE DID NOT MENTION THE CREW. WE COMMUNICATED PROMPTLY TO THE CAMBODIAN GOVERNMENT THE FACT THAT WE WOULD STOP ALL MILITARY OPERATIONS AS SOON AS THE CREW WAS RELEASED. WHEN THE CREW WAS RECOVERED SOME 2-1/2 HOURS LATER, WE CONTINUED ONLY THOSE MILITARY OPERATIONS JUDGED NECESSARY FOR PROTECTING AMERICAN MARINES THAT WERE STILL PINNED DOWN UNDER HEAVY FIRE ON KOH TANG ISLAND. WE HAD TO ASSURE THAT THE FORCES CONFRONTING THE MARINES WERE NOT REINFORCED.

AS THE LEGAL ADVISER OF THE DEPARTMENT OF STATE HAS ALREADY TESTIFIED BEFORE THE INTERNATIONAL SECURITY AND SCIENTIFIC AFFAIRS SUBCOMMITTEE OF THE HOUSE INTERNATIONAL

RELATIONS COMMITTEE, ALTHOUGH THE MAYAGUEZ INCIDENT WAS A FAST-MOVING EMERGENCY SITUATION, THE PRESIDENT INSURED NOT ONLY THAT THE CONGRESSIONAL LEADERSHIP WAS INFORMED OF THE PRINCIPAL MILITARY ACTIONS PRIOR TO THE ACTUAL COMMENCEMENT OF THOSE OPERATIONS, BUT ALSO THAT THE CONGRESSIONAL LEADERSHIP HAD THE OPPORTUNITY TO EXPRESS ITS VIEWS CONCERNING THOSE IMPENDING OPERATIONS.

AS THE SECRETARY HAS INDICATED, THE SEIZURE OF THE MAYAGUEZ AND ITS CREW VIOLATED BASIC PRINCIPLES OF INTERNATIONAL LAW RELATING TO THE FREEDOM OF COMMERCIAL NAVIGATION. CERTAINLY THE RECOVERY OF THE SHIP AND ITS CREW INDICATES THAT THE UNITED STATES IS PREPARED TO DEFEND BOTH ITS CITIZENS AND INTERNATIONAL PRINCIPLES AND THAT THERE WILL BE PUBLIC AND CONGRESSIONAL SUPPORT FOR SUCH ACTIONS.

I AM SUBMITTING FOR THE RECORD A CHRONOLOGY OF THE KEY EVENTS DURING THE MAYAGUEZ INCIDENT.

I WOULD NOW BE HAPPY TO ANSWER QUESTIONS.

ATTACHMENT



Chronology of Events of the Mayaguez Incident
(All times are Eastern Daylight Savings Time)

May 12

- 3:18 a.m. Mr. John Neal of the Delta Exploration Co. in Jakarta, Indonesia received a Mayday call from the Mayaguez. Messages stated "Have been fired upon and boarded by Cambodian armed forces at 9 degrees 48 minutes north/ 102 degrees 53 minutes east. Ship is being towed to unknown Cambodian port."
- 4:00 a.m. Mr. Neal lost communication with the ship, gave up to trying to reach the ship and informed the U.S.
- 5:00 a.m. Embassy in Jakarta of the incident.
- 5:02 a.m. U.S. Embassy in Jakarta informed Washington of the incident.
- 7:30 a.m. Pentagon orders CINCPAC to send reconnaissance aircraft to find ship.
- 9:57 a.m. U.S. reconnaissance aircraft were dispatched to the area to attempt to locate the ship and verify the report.
- 12:05 p.m. The President chaired a meeting of the National Security Council.
- 1:50 p.m. White House press briefing and statement concerning seizure of the ship and U.S. demands for its release.
- 4:30 p.m. A representative of the Liaison Office of the People's Republic of China summoned to the State Department was given a message for the Cambodian authorities, demanding the release of the ship. The PRC representative refused to accept the message.
- 9:16 p.m. U.S. reconnaissance aircraft made a positive identification of the ship and observed it being escorted by Cambodian gunboats. The aircraft was fired at and hit, sustaining minor damage.



May 13

- 12:10 a.m. A representative of the United States Liaison Office in Peking delivered a message to the Cambodian Embassy there. A message was also delivered to the Foreign Ministry of the People's Republic of China.
- 1:25 a.m. U.S. reconnaissance aircraft observed the Mayaguez anchoring one nautical mile north of Koh Tang Island.. The aircraft was fired at but not hit.
- 6:04 a.m. The Mayaguez crew was observed being transferred from the ship.
- 6:18 a.m. The Pentagon ordered the Air Force to maintain surveillance of the Mayaguez and prevent its movement into port on the Cambodian mainland. Warning shots were fired across bow of Mayaguez to signal it not to move. Specific orders were given not to attack the Cambodian gunboats.
- 6:54 a.m. White House press briefing on location of ship and U.S. surveillance effort.
- 7:35 a.m. The crew is observed on the island but it cannot be ascertained how many men have been moved. Therefore, it is not certain that the entire crew has left the ship.
- 3:05 p.m. A C-130 aircraft received small arms fire from the island.
- 3:20 p.m. Four Cambodian gunboats at island fired anti-aircraft weapons at C-130.
- 5:50 p.m. Congressional leadership contacted by telephone
to and advised that President had directed military
6:35 p.m. actions to prevent the Mayaguez and its crew from being transferred to the Cambodian mainland and to prevent reinforcement from the mainland of Cambodian forces detaining the Mayaguez vessel and crew.



- 7:04 p.m. Three patrol boats move from the island. Warning fire from USAF planes turns them back to Koh Tang.
- 9:43 p.m. Cambodian patrol boat ignores warning fire from U.S. aircraft and continues to move. Boat is attacked and set afire.
- 9:52 p.m. Patrol boat spotted with possible crew members on it. U.S. aircraft fires in front of it in order to turn it back. Boat continues to move toward the mainland.
- 10:03 p.m. A different patrol boat moves and is engaged and set afire by air strikes.
- 10:40 p.m. The President chaired a meeting of the National Security Council.
- 11:00 p.m. The vessel believed to be carrying crew members reaches the mainland.

May 14

- 12:29 a.m. Three other patrol boats are engaged by U.S. aircraft. One is sunk, other two damaged. A subsequent strike damages two other patrol boats.
- 7:15 a.m. U.S. Liaison Office in Peking reported that PRC Foreign Ministry returned the message for the Cambodian authorities.
- 11:00 a.m. USS Harold E. Holt arrives in the area.



- 11:00 a.m. Congressional leadership notified by telephone that three Cambodian boats had been sunk and four damaged by U.S. air strikes.
- 11:50 a.m. DOD press briefing and statement about U.S. attacks on Cambodian boats.
- 1:00 p.m. A letter regarding this action was delivered to
to UN Secretary General Waldheim by Ambassador Scali,
2:00 p.m. requesting UN Secretary General to take any steps in his ability to secure safe return of Mayaguez and crew.
- 3:00 p.m. State Department officials briefed members of the
to House International Relations Committee, Senate
5:00 p.m. Foreign Relations Committee and House Armed Services Committee.
- 3:52 p.m. President chairs NSC meeting in the Cabinet Room.
- 4:45 p.m. Orders are issued to begin the military operations
to for the recovery of the SS Mayaguez and crew includ-
5:10 p.m. ing air attacks against military facilities near Kompong Som to prevent reinforcement and support from the mainland for Cambodian forces detaining the ship and its crew.
- 5:14 p.m. U.S. assault forces take off from stations.
to
5:20 p.m.
- 6:40 p.m. President meets with Congressional leadership to
to inform them of the actions he has ordered to
7:40 p.m. recover the ship and the crew.
- 7:00 p.m. Marine assault force arrives at USS Holt.
- 7:07 p.m. Phnom Penh domestic radio service carries a broadcast in Cambodian that states that the Cambodian Government will order the Mayaguez to withdraw from Cambodian territorial waters. No mention is made of the crew.
- 7:09 p.m. Assault force arrives at Koh Tang Island and comes under fire.



7:15 p.m. A helicopter in the assault force against Koh Tang Island is hit and downed.

7:45 p.m. Another helicopter crashes on the island.

7:46 p.m. Approximately 100 Marines are on Koh Tang Island.

8:06 p.m. The Cambodian broadcast, monitored by the Foreign Broadcast Information Service and translated into English, was carried on the FBIS wire.

8:15 p.m. Insertion of the first assault wave on Koh Tang Island was completed, 135 Marines now on beach.

8:15 p.m. The President is informed of the FBIS wire report by Secretary Kissinger.

8:30 p.m. White House press briefing and statement on the actions ordered by the President.

8:45 p.m. Support aircraft arrive and commence operations against military installations near Kompong Som.

9:05 p.m. Marines from the USS Holt board and take control of the SS Mayaguez. They find evidence that the vessel had been occupied until just before their arrival.

9:15 p.m. White House issued press release on message being sent to Cambodian authorities offering to stop military operations if crew is released.

9:33 p.m. Mayaguez is secured and U.S. colors are raised.

10:23 p.m. A boat was reported near Koh Tang Island flying a white flag.

11:07 p.m. The USS Wilson takes aboard the occupants of that boat. The occupants were determined to be the entire crew of the SS Mayaguez.

11:16 p.m. The order was given to cease all offensive operations and begin to withdraw. The Commander of the forces on the island requests additional ground forces to provide security for a successful withdrawal.



- 11:31 p.m. White House statement on recovery of ship.
- 11:45 p.m. The additional ground security forces arrive at Koh Tang Island.

May 15

- 12:10 a.m. Airstrikes at Kompong Som terminate.
- 12:25 a.m. The Mayaguez crew is returned to its vessel.
- 12:30 a.m. The President's statement on recovery of ship and crew.
- 12:45 a.m. DOD press briefing on military actions.
- 1:21 a.m. A helicopter is hit during effort to remove troops from the island.
- 2:00 a.m. A report consistent with the War Powers
to Resolution from the President was transmitted
2:30 a.m. to Speaker of the House and to President
Pro Tempore of the Senate.
- 4:40 a.m. Mayaguez underway.
- 6:15 a.m. Commencement of operation to evacuate last elements of marines on Koh Tang Island using helicopters and USS Wilson and USS Holt.
- 7:17 a.m. Final extraction of U.S. ground forces completed.
- 12:21 p.m. Last aircraft departed the area.



After numerous such responses, I observed that if the officials of the Rural Development Service had been around two centuries ago when the Bill of Rights was being considered, they might have said it was a good idea. But they better, since we already have the Ten Commandments?

Mr. Speaker, the Rural Development Act—any enacted by the Congress and signed into law by the President—says that the Secretary of Agriculture "shall assume responsibility for coordinating a nationwide rural development program...." The Act further directs him to "utilize to the maximum extent practicable" each of the offices within his Department "to enhance rural development."

That has not been done. Specifically, the assistance to the small cities and towns of this country envisioned in this law has not been carried out.

Expanded grant and loan programs for water and sewer construction in rural America have not been implemented.

The mandate of Congress for adequate rural housing through rent supplements and other programs has been ignored.

Title IV of the Act providing a program of rural community fire protection has been totally neglected. The President even attempted to rescind the funds forced on the Department by the Appropriations Committee. Only after Congress rejected this effort did the money begin flowing to State forestry officials.

Minimal funding of Title V, which provides research and education monies, produced some spectacular success stories of dying towns given new life through self-help motivation. Yet, the Administration does not recommend that these efforts be continued, but argues instead that the Agricultural Research Stations or the Extension Service could do the job as well.

Hardly a protest was made when the Office of Management and Budget arbitrarily eliminated "Rural Development" as a functional category within the Federal Budget—yet the Secretary is charged with providing "leadership and coordination within the Executive Branch" by this law.

It is one thing, Mr. Speaker, to fight the good fight and lose. But not to fight at all is to betray the hopes and dreams of those millions of citizens who still have faith in rural America.

The facts presented at these hearings show that every time rural development comes up for funding, the Administration has consistently refused to request that funding. In addition, the Administration has shown a continuing disregard for the intent of the Act by transferring funds, ignoring mandates of the various titles of the Act and switching funding sources.

When the Congress passed the Rural Development Act, the directive to the Department of Agriculture was that this legislation was the vehicle to channel the tax dollars of rural America back to their communities.

From what we have seen during these hearings, the Department is laughing in the faces of rural America—laughter that I and other Members of the Subcommittee strongly resent.

In the past, as OMB has gone, so have gone the Members of Congress who were thoroughly intimidated by the awesome power of the Budget and the arm-twisting tactics of the Executive Branch.

But now, Mr. Speaker, there is new blood—a new Congress, with a new Agriculture Committee and a new Budget Committee.

I told the Assistant Secretary of Agriculture for Rural Development, Mr. William W. [Name], that I had a list of his [Name] responsibilities for administering this Act, that our Subcommittee was prepared to give them a

little transfusion of courage so that they can fight for full funding for rural America.

Mr. Speaker, the New York Times this week headlined the results of new projections by the Census Bureau indicating the rural areas of the country are growing faster than urban areas.

People are moving out of urban areas at a greater rate than others are moving in. This trend is without precedent. Since 1970, our young agrarian nation has moved toward an urban society.

An old farmer in my District had a very profound comment about all the city folks moving into the rural areas: "Whatever it is they're trying to get away from, they're bringing it with them."

These problems—health, housing, pollution of water and air, transportation—are the problems caused by people. And these are the very problems the Rural Development Act is designed to confront.

The promise of a better life is still vivid for most of rural America. The Congress has given the Department of Agriculture the mandate and authority to make that promise come true. They must act to see that it does.

THE "MAYAGUEZ" INCIDENT

Mr. BROOKE. Mr. President, on May 15 of this year, during the final stages of the Mayaguez incident, I submitted a list of questions to Secretary of State Kissinger regarding that affair. My purpose in doing so was to obtain as much information as possible for the public record so that the Congress and the American people could make informed judgments regarding the decision to use force in effecting the release of the Mayaguez crew and ship.

I have now received replies to my inquiries, both from the Department of State and the Joint Chiefs of Staff office. The answers to my questions, while certainly not all inclusive regarding the Mayaguez affair, provide some useful insights into the events that took place and the decisionmaking that led to those events. Therefore, I ask unanimous consent that a letter I received from the President on the subject and the responses of the State Department and the Defense Department to my original letter be printed in the Record in full immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROOKE. Mr. President, I am convinced that the full account of the Mayaguez incident may not be available for many months and perhaps it may never be available in a form that will satisfy all interested parties. Yet, it is still possible, even at this early date, to identify certain lessons we should learn from this incident.

First, the evident inability to set up adequate communication channels between ourselves and the Cambodians, either directly or indirectly, indicates the great dangers of lack of communications between belligerents under crisis conditions. While these dangers were narrowly averted in the Mayaguez incident, lack of ability to communicate intentions in an understandable and expeditious manner greatly increased the chances that force would be used to achieve some resolution of the crisis.

Second, the failure of the United States to provide adequate warning to U.S.-flag vessels and others of harassment by the Cambodians of other vessels that had taken place prior to the seizure of the Mayaguez indicates a further breakdown in communications, this time within our own communications network. There is evidently a need to strengthen our capacity to provide adequate warning of potential dangers of this nature on an immediate basis in potential or actual trouble spots.

Finally, the resort to force, whether or not it is justified, inevitably results in unforeseen and usually undesirable consequences. The sobering loss of life in the assault on Kochang Island, and the subsequent revelation that the Mayaguez crew had apparently left the island prior to the assault, is indicative of the costly and imprecise nature of the use of force in achieving goals, limited or otherwise.

EXHIBIT I

THE WHITE HOUSE,
Washington, May 21, 1975.

HON. EDWARD W. BROOKE,
U.S. Senate,
Washington, D.C.

DEAR ED: I note that on Thursday, May 15, you spoke on the floor of the Senate regarding the SS MAYAGUEZ incident. I appreciate the questions you have raised, but let me assure you that I made the decision to use force after evaluating all of the options available. I kept the leadership of Congress fully informed of my decisions. I decided to use the Marine and military forces only after the Cambodian Government failed to give any response to our diplomatic protest and demand that the ship and the crew be released.

I think in retrospect my decision was correct.

With kind personal regards,
Sincerely,

JERRY FORD.

DEPARTMENT OF STATE,
Washington, D.C., June 20, 1975.

HON. EDWARD W. BROOKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BROOKE: The Secretary has asked me to reply to your letter of May 15, inquiring about the Mayaguez operation. Listed below are the answers to your questions in the order that they were given in your letter. In order to expedite the replies to the questions focused primarily on military matters, we have asked the Department of Defense to reply directly to you.

1. Did the Mayaguez violate any territorial or sovereign rights of Cambodia?

Answer: No. The vessel was on the high seas in international shipping lanes commonly used by ships calling at the various ports of Southeast Asia. It was seized about seven nautical miles from the Island of Poulo Wal. The United States recognizes a three nautical mile territorial sea and, in our view, the seizure took place on the high seas. Even if, in the view of others, the ship were considered to be within Cambodian territorial waters, it clearly would have been engaged in innocent passage to the port of another country. Thus, whatever view is taken regarding the legal status of the waters, the vessel's seizure was unlawful and involved a direct violation of the law of nations.

2. What was the basis for the Government's claim of the legitimacy of the seizure of the Mayaguez by the Cambodians?

Answer: The basis for the Government's claim of the legitimacy of the seizure of the Mayaguez by the Cambodians was the fact that the vessel was in the territorial waters of Cambodia.

is a recognized possession of the Cambodian government?

Answer: Both South Viet-Nam and Cambodia have claimed this island.

(b) How far off the island was the *Mayaguez* when it was seized?

Answer: About seven nautical miles.

(c) What are the recognized limits of territorial control of waters off the islands in the area?

Answer: The United States recognizes a three nautical mile limit. South Viet-Nam previously claimed a territorial sea of three nautical miles. Cambodia previously claimed a territorial sea of 12 nautical miles. However, the positions of the current regimes on this question are uncertain.

(d) Do the Cambodians claim a twelve mile limit?

Answer: The former government claimed a twelve nautical mile territorial sea, but, to our knowledge, the present authorities have not announced any position regarding the matter of any specific width of territorial sea. They have, however, claimed that the *Mayaguez* was in Cambodian territorial waters when it was seized.

(e) Does the United States Government recognize only a three mile limit?

Answer: Yes, we recognize only a three mile territorial sea.

3. What cargo was the *Mayaguez* carrying?

Answer: It was carrying commercial cargo and Department of Defense cargo, including such items as spare parts and supplies but not including arms, ammunition or electronic gear.

4. What was the port of origin and the destination for this specific voyage of the *Mayaguez*?

Answer: The *Mayaguez* was enroute from Hong Kong to Sattahip in Thailand.

5. What was the purpose of the *Mayaguez*'s voyage?

Answer: The purpose of the voyage was commerce.

6. Was the *Mayaguez* an armed ship?

Answer: No. The *Mayaguez* was unarmed.

7. What has 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?

Answer: The *Mayaguez* was not a spy ship nor was it in any way involved in intelligence operations. There were no U.S. intelligence activities underway in the vicinity.

8. Was the *Mayaguez* in prior contact with U.S. Government aircraft or ships prior to the seizure?

Answer: We have no record to indicate that it was in contact with U.S. Government craft. The distress message was picked up in commercial channels.

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 time of the first U.S. attack?

Answer: We received first notification that the ship had been seized about 0500 Monday morning, May 12. On Monday afternoon, the head of the Chinese Liaison Office here came to the State Department at our request, and was given a message which was essentially the same as the President's public statement. When the Chinese refused to accept the message, we sent the same message to our mission in Peking for delivery to both the Chinese and Cambodian. There, no reply came from either the Chinese or Cambodians. On May 12, U.S. reconnaissance aircraft, in the course of locating the *Mayaguez*, sustained minimal damage from small arms fire.

On the morning of the 13th, in order to prevent the movement of the *Mayaguez* to a mainland port, U.S. aircraft fired warning shots across the bow of the ship and gave visual signals to small craft approaching the ship. Subsequently, in order to stabilize the situation and preclude removal of the crew

to the mainland where their rescue would be more difficult, U.S. armed forces were ordered to locate the island and to interdict any movement between the ship or the island and the mainland, and to prevent movement of the ship itself, taking all possible care to prevent loss of life or injury to the U.S. captives. During the evening of May 13, a Cambodian patrol boat attempting to leave the island disregarded aircraft warnings and was sunk. Thereafter, three other Cambodian patrol craft were destroyed in the vicinity of the island. One boat, suspected of having some U.S. captives on board, succeeded in reaching Kompong Som after efforts to turn it around without injury to the passengers failed. In addition, five other Cambodian craft were later sunk in the efforts to protect the Marine forces on Koh Tang.

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?

Answer: See answer to Question 9.

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 relation to the decision to resort to force and the actual use of force?

Answer: The timing of our approach to the Chinese is noted above as is the first use of force by U.S. armed forces. Since no reply had come from the Cambodians or the Chinese, early on the afternoon of May 14 we asked the Secretary General of the United Nations to use his good offices to obtain release of the *Mayaguez* and its crew. The Secretary General's effort elicited no response from the Cambodians until several days after the rescue of the ship and crew. Later that afternoon, orders were issued to begin the military operations for the recovery of the ship and crew. The Marines did not take action to recover the ship and crew until that evening.

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 ship? What, if any, communications did we try to forward to that government prior to that announcement and prior to the use of force?

Answer: We received no communications from the Cambodian government prior to the public radio announcement received shortly after 2000 Wednesday. This was a domestic broadcast in the Cambodian language which did not state that the vessel and crew would be released but only said that the vessel would be released. It was not directed to the United States. As noted above, we tried to reach them directly in Peking and through the Chinese prior to any use of force and additionally tried to reach them through the UN before the Marines were ordered to recover the ship and crew. After receiving the public radio message, we took measures to inform the Cambodian government of the fact that we would stop all military operations when the crew was released. We also released to the press the statement we had broadcast to Cambodia.

Cambodian forces continued to attack U.S. forces on Koh Tang after the crew was released and therefore U.S. military action continued in order to effect the earliest possible extraction of the Marines on the island.

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?

Answer: Yes. For details, see separate answer by DOD.

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

Answer: To be answered separately by DOD.

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

Answer: To be answered separately by DOD.

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

Answer: To be answered separately by DOD.

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?

Answer: To be answered separately by DOD.

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

Answer: To be answered separately by DOD.

16. Had there been other reported incidents of harassment of other vessels by Cambodia prior to the seizure of the *Mayaguez*? If so, why weren't instructions sent to all U.S. flag vessels to divert from the area?

Answer: Yes. Both the Department of State and the Department of Defense are involved in issuing special warnings to U.S. commercial vessels about the possibility of military action, but the need to issue such warnings has been relatively rare. This, coupled with the fact that it was not immediately apparent, to those throughout the government who received the information on Cambodia's attack on a South Korean freighter on May 4 and its detention of a Panamanian ship on May 7, that American ships happening to pass in the area might possibly be in danger, resulted in no warning being immediately issued. A special warning was issued on the day we learned that the *Mayaguez* was seized.

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

Answer: To be answered separately by DOD.

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

Answer: To be answered separately by DOD.

19. Were troops transported to Thailand 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?

Answer: As Secretary Kissinger recently pointed out, in the course of this decade it may be that a pattern of action has developed that made us assume that our latitude in using Thai bases was greater than the current situation in Southeast Asia would permit to the Thai government. Insofar as we caused any embarrassment to the Thai government, we expressed our regrets at those actions. The Thai subsequently stated that they were satisfied with our note expressing regret.

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

Answer: To be answered separately by DOD.

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

Answer: To be answered separately by

12. 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?

Answer: The crew members were taken off a Thai fishing boat. None were harmed by the Cambodians. The Cambodians released the crew to the Thai fishing boat following the several military and diplomatic actions summarized above.

We appreciate your interest in obtaining an understanding regarding the actions taken by the Administration in order to rescue the *Mayaguez* and crew. Although the subject is not specifically addressed in your questions, I am sure you are aware that the Administration's principal concern was to react swiftly and responsibly in order to save the lives of the crew and to recover the vessel.

The Administration acted to prevent that crew from being interned and their lives jeopardized, as the crew of the USS Pueblo was, and to make clear to the Cambodian Government and to all other governments that the safety of its sailors and the freedom of the seas for its vessels were matters of great concern to the American Government and people.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,
ROBERT J. McCLOSKEY,
Assistant Secretary for Congressional Relations.

THE JOINT CHIEFS OF STAFF,
Washington, D.C., June 18, 1975.

Hon. EDWARD W. BROOKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BROOKE: The Department of State has requested that I further respond to your letter of 15 May 1975 with regard to the rescue of the *Mayaguez* crew.

The following answers are keyed to your questions:

13a. Was there a Cambodian attempt to move the crew or the *Mayaguez* after the ship had been anchored off Tang Island?

Answer: The crew was initially taken to Kaoh Tang Island and later moved to Kompong Som subsequent to the anchoring of the ship off Koh Tang Island. Reconnaissance aircraft received indications thereafter that a possible effort to move the ship was being prepared. It was later determined that this was an erroneous indication.

13b. How many of our reconnaissance craft had been fired upon and hit prior to our rescue of the crew?

Answer: Two reconnaissance aircraft were struck by small arms fire prior to the landing of the Marine Force on either the vessel or the island. Other aircraft were fired upon, but we have no exact count as to how many.

13c. Were the Cambodian patrol craft that were destroyed or disabled moving toward the *Mayaguez* when they were interdicted?

Answer: Reports currently available do not clearly indicate whether or not the Cambodian patrol craft were moving toward the *Mayaguez* at the time they were attacked. The President's orders were to interdict any movement between the ship or the island and the mainland.

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

Answer: Yes.

15. What were the targets of our attacks on the mainland? Did our attacks have any immediate purpose directly related to the rescue of the crew and the ship or were they of a punitive nature?

Answer: The attacks on the mainland were directed to the rescue of the crew and the ship.

ship or protecting the Marine Force on the island. None of them were punitive in nature. Targets included the Ream Airfield and Naval Base and Kompong Som Port Complex and Naval Facility.

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

Answer: Of the forces involved in rescue of the *Mayaguez* and its crew, there were 15 killed in action, 53 wounded in action, 3 missing in action for whom there is little hope of recovery. Three of the missing were personnel aboard the CH-53 helicopter that crashed and burned during the initial landing on Kaoh Tang Island.

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

Answer: Approximately 350 Marines and 8 naval vessels were engaged in the rescue operation. They were supported by approximately 340 Air Force sorties. The naval vessels included an aircraft carrier from which approximately 60 sorties were launched.

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

Answer: There were about 230 Marines inserted on Kaoh Tang and about 65 were placed on the USS *Holt* for transfer to *Mayaguez*.

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

Answer: Resistance on the island was reported by the Ground Security Force Commander to have been stiff, determined, and professional. The resistance was characterized primarily by rocket-propelled grenades, machine guns, and rifles. We have no exact count of ammunition expended by our forces.

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

Answer: US casualties were 15 KIA, 50 WIA, and 3 MIA. We believe that hostile casualties inflicted by the Ground Security Force are in the neighborhood of 25-30. No precise estimate of total casualties can be reasonably made although the nature of the mission and the ordnance employed were such as to ensure that civilian casualties on the mainland were minimized.

I hope this information is sufficient to your needs. In the event I may be of further assistance, please advise.

Sincerely,
ZANE E. FINKELSTEIN,
Colonel, JAGC, U.S. Army, Legal Adviser & Legislative Assistant to the Chairman, JCS.

HOUSING BILL VETO WILL PROLONG RECESSION AND DELAY HOUSING GOALS

MR. BENTSEN. Mr. President, President Ford's veto yesterday of the Emergency Housing Act, which the Senate passed on April 24 by the overwhelming margin of 91 to 5, is a serious economic mistake that will prolong the recession and delay for years the achievement of our national housing goals.

Unemployment today is our most serious economic problem. The unemployment rate has hit 9.2 percent, the highest it has been since the first Depression. Over 8.5 million Americans are currently jobless, and 6 million more than 25 million workers will experience the pain of unemployment without work. This means 15 million families who will be without a paycheck. Who will and progressively accept in debt, and may even be forced to leave their

sessions imperiled by the threat of repossession.

While the economic prospects for these Americans is dismal, for many of those who depend on the construction industry for their livelihood the future holds nothing but despair. Unemployment among construction workers nationwide is now 21.8 percent, higher than the unemployment rate for any other sector of the economy. For housing workers, in certain areas of the country, the unemployment rate is as high as 40 percent.

The collapse of the housing industry last year led us into this recession and we need a strong housing industry now to help lead us out. But housing is still in a severe depression. Housing starts during the first 5 months of this year were 35 percent below last year's already depressed levels and only one-third the number needed to meet our national housing goals. The May uptick in housing starts was welcome, but a 1-month change is no sure harbinger of recovery—the number of starts for May was at a 28-year low for the month, and the number of building permits issued was 20 percent below the number for May 1974.

For the 900,000 idle construction workers and for hundreds of thousands of others in the furniture, home furnishings, and household appliance industries, the 800,000 construction jobs and the 400,000 new homes promised by this bill would have been a major step toward ending the recession. But President Ford's veto has almost guaranteed that these jobs won't be there.

The housing bill also provided relief for over 100,000 unemployed homeowners whose lives have been disrupted by the Damocles sword of possible foreclosure by mortgage companies and banks. For these 100,000 families, President Ford's veto means that the day of eviction and loss of a home moves steadily closer.

President Ford's announcement that he will, instead, provide \$2 billion more for the Government National Mortgage Association and request authorization for an added \$7.75 billion is no substitute for the vetoed bill. What the President proposes is just not enough.

The existing program is useful when mortgage money is unavailable, but that is not the case today. What is missing is purchasing power and confidence. The new housing legislation would have provided this.

It would have lowered mortgage rates, less than 20 percent of American families can afford to pay today. For too many American families, the dream of their own home has been shattered. The housing bill would have brought these families back again within reach of the dream of homeownership. Mortgage rates to 6 percent, saving the average family \$1,000 a year, would have stimulated 200,000 new homes within 18 months. These families could not afford 8 1/2 percent mortgage rates. Let's the dream of a new home for 100,000 families.

June 23, 1975

Miller and his staff were informed of the protective service payments made to Advance Mortgage and Mortgage Associates by Tribune reporters who obtained copies of documents from other sources.

The continuous frustration of his reform efforts by his superiors led Miller in March of this year to compile a list of such efforts made by his staff and include a description of how Washington dealt with each request for action.

A copy of this secret "Miller Memorandum," intended for circulation only among federal housing officials, was one of the many documents used by Tribune reporters in their seven-month investigation.

The bureaucratic roadblocks it describes make it impossible for local HUD and FHA officials to crack down on unsavory businessmen profiting from poorly administered housing programs.

The local offices can recommend to Washington action against mortgage companies, but they are not allowed to compile documented evidence because they are not permitted to see the vital documents.

As a result, Washington has never taken action for inadequate servicing against any of the thousands of companies it deals with.

It was Sheldon Lubar's administration that told Miller and other local FHA officials to mind their own business, which apparently is to accept the FHA-insured homes in whatever condition they happen to be in and dispose of them in any way they can.

That leaves the Chicago office with the job of running advertisements in the newspapers virtually giving away damaged and destroyed homes.

The following is typical of the transactions that result from such ads:

For a four-flat building at 102-04 S. Central Ave., FHA paid the mortgage company \$34,312.71. The building was stripped of radiators, plumbing, and bathroom fixtures. The windows were broken thruout and interior paint was peeling.

FHA eventually got \$10,000 for the four-flat in an auction; it would have cost \$75,000 to duplicate such a structure.

"It was wide open when Mortgage Associates turned it over to me," said Sel Dunlap, the FHA area manager. "It cost us \$700 just to board up the first floor."

Dunlap didn't know it, but Mortgage Associates had already been paid \$699 by his own Washington office for "maintaining and protecting" the building.

Another home the FHA wants to get rid of is at 558 N. Leamington Av., for which the government paid \$15,677.66. The doors were left unlocked, the windows were broken, the house and yard was littered with lumber, paper, boxes, broken glass, rotting wood, and other trash, and all the heating registers had been stolen. FHA in Washington paid O'Brien & Pain, Inc., First National Plaza, \$556.50 for maintaining and servicing the home.

This drainage of public money into the coffers of unscrupulous businessmen is a continuing process in Chicago, the suburbs, the state, and all over the nation, as tens of thousands of damaged and destroyed homes are bought by the federal government for billions in tax dollars and then sold for next to nothing.

HOUSE RESOLUTIONS 536, 537, AND 543, RESOLUTIONS OF INQUIRY DIRECTING THE SECRETARY OF STATE TO PROVIDE INFORMATION CONCERNING THE SEIZURE AND RECOVERY OF THE U.S. MERCHANT SHIP "MAYAGUEZ" AND CREW

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

Mr. MORGAN. Mr. Speaker, on June 19, 1975, the Committee on International Relations met in open session to consider three identical resolutions of inquiry, House Resolution 536, 537, and 543, directing the Secretary of State to provide to the House of Representatives information concerning the seizure of the U.S. Merchant ship *Mayaguez* and its crew, and subsequent diplomatic efforts to release them.

By voice vote, the committee approved a motion that the resolutions be referred to the Subcommittee on International Political and Military Affairs for further consideration.

House Resolution 536 and 537 were introduced on June 12, 1975, by the Honorable MICHAEL HARRINGTON and 34 cosponsors. House Resolution 543 was introduced on June 16, 1975, by Mr. HARRINGTON and three cosponsors.

On June 13, 1975, the day when House Resolution 536 and 537 were referred to the committee, the Chair forwarded them to the Secretary of State requesting his comments. A reply was received from the Department of State on June 18, 1975.

At the outset of the committee meeting on June 19, 1975, the Chair pointed out that the full committee and two of its subcommittees had conducted a series of hearings on the *Mayaguez* affair prior to the introduction of the resolutions. Those hearings are as follows:

First. On May 12, the Subcommittee on International Political and Military Affairs began hearings on the seizure of the *Mayaguez*. A second hearing was held by the subcommittee on June 19, 1975, and a third hearing is scheduled for Wednesday, June 25, 1975. In addition, the subcommittee has requested the General Accounting Office to conduct a study of the U.S. Government's actions relating to the *Mayaguez* incident and of the U.S. Government's capability in the general area of crisis management.

Second. On May 15, 1975, the full committee conducted a hearing on the *Mayaguez* affair in which executive branch witnesses testified.

Third. On June 4, 1975, the Subcommittee on International Security and Scientific Affairs held a hearing on the executive branch's compliance with the war powers resolution in the course of its efforts to gain the release of the ship and its crew.

Following the Chair's explanation of committee action with respect to the *Mayaguez* affair, the committee heard statements from the principal sponsor of the resolutions, the Honorable MICHAEL HARRINGTON and three cosponsors: the Honorable JOHN L. BURTON, the Honorable BOB CARR, and the Honorable BELLA ABzug. In view of the fact that hearings on the *Mayaguez* affair are ongoing, the principal sponsor and three cosponsors present recommended that the resolutions be referred to the appropriate subcommittee for further consideration.

Both the principal sponsor and the three cosponsors present assured the committee that they would not call up the resolutions on the House floor while

they are under consideration by the committee.

Following discussion of the recommendation, the committee entertained a motion made by the Honorable ROBERT J. LAGOMARSINO that House Resolutions 536, 537, and 543 be referred to the Subcommittee on International Political and Military Affairs for further action. The motion was adopted by voice vote.

Mr. Speaker, I am making this statement in order to apprise the House of what transpired in the Committee on International Relations on June 19, 1975, with respect to the disposition of House Resolutions 536, 537, and 543.

At this point, I include in the Record the text of the three resolutions and the exchanges of correspondence with the Department of State:

RESOLUTION

Resolved, That the Secretary of State is hereby directed to furnish to the House of Representatives, within ten days of the adoption of this resolution, the following information:

1. What specific diplomatic initiatives and communications were carried out by the United States in response to Cambodia's seizure of the United States merchant ship *Mayaguez* and its crew?

2. What diplomatic responses and initiatives are known to have been carried out by Cambodia and other parties, including the United Nations, with respect to the seizure of the *Mayaguez* and its crew and subsequent efforts to release them?

3. What specific diplomatic options were considered and rejected by the National Security Council in seeking the release of the *Mayaguez* and its crew?

4. What orders, if any, had been issued to the United States Armed Forces with respect to the *Mayaguez* incident before the Secretary General of the United Nations was asked to give diplomatic assistance?

5. If known, what was the exact position and course of the *Mayaguez* when it was seized in relation to the island Poulo Wal, which is claimed by both Cambodia and South Vietnam?

6. What United States intelligence gathering activities, if any, were conducted in or over or from off the shores of Cambodia subsequent to the Khmer Rouge takeover in April 1975, and prior to the seizure of the *Mayaguez*? Were any such activities known to have been detected or terminated by Cambodia?

7. What covert actions, if any, were undertaken by the United States, either directly or indirectly, to disrupt, destabilize, or otherwise interfere in the internal affairs of Cambodia subsequent to the Khmer Rouge takeover in April 1975, and prior to the seizure of the *Mayaguez*? Where any such actions known to have been detected or terminated by Cambodia? If so, and if known, in what manner were they detected or terminated?

8. What communications have occurred to date between the United States and Thailand regarding the use of Thai territory in conjunction with the United States military action to secure the release of the *Mayaguez* and its crew?

JUNE 13, 1975.

Hon. HENRY A. KISSINGER,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I am writing to request your comments on two identical Resolutions of Inquiry which were introduced in the House on June 12, 1975, and referred to the Committee on International Relations.

Enclosed are two copies of each of the resolutions, H. Res. 536 and 537, directing the Secretary of State to furnish to the House of Representatives information concerning the seizure of the U.S. merchant ship *Mayaguez* and its crew, and subsequent diplomatic efforts to release them.

As you know, the Committee must act on these resolutions within seven (7) legislative days, beginning today. Therefore, we will appreciate receiving your comments as soon as possible, but no later than Thursday, June 19, 1975.

With best wishes, I am,

Sincerely yours,

Chairman.

JUNE 18, 1975.

HON. THOMAS E. MORGAN,

Chairman, Committee on International Relations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of June 13 requesting his comment on two identical resolutions, H. Res. 536 and 537 requesting the Secretary of State to furnish information concerning the *Mayaguez* operation.

At the beginning of the incident, the President directed that the Congress be kept informed. On two occasions members of the White House staff contacted the Congressional leadership by telephone to inform them of developments. On the late afternoon of Wednesday the 14th, the President met with the Congressional leaders to discuss with them the action he had ordered to recover the ship and crew. We have made every effort to keep the House of Representatives informed concerning the *Mayaguez* operation. Deputy Assistant Secretary of State for East Asian and Pacific Affairs, Robert H. Miller, appeared in executive session before the International Political and Military Affairs Subcommittee of the International Relations Committee and the Armed Services Committee on May 14, and before the Defense Sub-Committee of the Appropriations Committee and the full International Relations Committee on May 15. The Department of State Legal Adviser, Monroe Leigh, appeared before the International Security and Scientific Affairs Subcommittee of the International Relations Committee on June 4 to testify concerning consultations with Congress under the War Powers Resolution during the *Mayaguez* affair.

Enclosed are the Department's comments on the questions raised in H. Res. 536 and 537. We believe that the testimony of administration witnesses before the House, as outlined above, and our comments on these questions are evidence of a cooperative effort on the part of the administration to inform the Congress concerning the successful measures to obtain the release of the *Mayaguez* and its American crew. For these reasons we believe that H. Res. 536 and 537 are unnecessary.

Sincerely,

ROBERT J. McCLOSKEY,

Assistant Secretary for Congressional Relations.

TESTIMONY

1. What specific diplomatic initiatives and communications were carried out by the United States in response to Cambodia's seizure of the United States merchant ship *Mayaguez* and its crew?

Answer: 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 operations began. These operations were directed at Cambodian patrol boats that were trying to transmit 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.

Within an hour after that broadcast, the White House issued a statement via the press informing the Cambodian government that our military action would cease when the crew was released.

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.

2. What diplomatic responses and initiatives are known to have been carried out by Cambodia and other parties, including the United Nations, with respect to the seizure of the *Mayaguez* and its crew and subsequent efforts to release them?

Answer: There are no known diplomatic responses or initiatives carried out by Cambodia, the Chinese, or anyone else with respect to the seizure of the *Mayaguez*. The Cambodian announcement received in Washington the evening of May 14, which referred to release of the ship but did not mention the crew, was a domestic broadcast in the Cambodian language.

The Secretary General's spokesman at the UN announced the afternoon of May 14 that the Secretary General was making all possible efforts to achieve a solution to the problem by peaceful means. For this purpose, he had communicated with the U.S. and Cambodian governments, offered them his good offices, and appealed to them to refrain from further acts of force to facilitate a peaceful settlement. The Secretary General's effort elicited no response from the Cambodians until some days after the rescue of the ship and crew.

3. What specific diplomatic options were considered and rejected by the National Security Council in seeking the release of the *Mayaguez* and its crew?

Answer: Because of the urgency of the situation and the lack of direct channels to the Cambodian authorities in Phnom Penh, we judged that the only effective and rapid channels were those we used—the approach to the Chinese here and in Peking, and in direct delivery of a message to the Cambodian representative in Peking. No other government which might have been helpful in the situation has any representation in Phnom Penh and thus any effective contact with the authorities there.

4. What orders, if any, had been issued to the United States Armed Forces with respect to the *Mayaguez* incident before the Secre-

tary General of the United Nations was asked to give diplomatic assistance?

Answer: As the President stated in his letter to the Speaker of the House, U.S. forces were ordered on Tuesday, May 13 to take measures to prevent the removal of the ship and crew to the mainland. During that night, several Cambodian patrol boats which disregarded warning signals were damaged or sunk.

We approached the Secretary General shortly after noon on Wednesday, May 14, after having received no positive response from the Cambodians or Chinese to our earlier approaches. The National Security Council met later that afternoon, and at about 5:00 p.m. that afternoon the first orders were issued to begin operations later that evening to remove the ship and crew.

5. If known, what was the exact position and course of the *Mayaguez* when it was seized in relation to the island Poulo Wal, which is claimed by both Cambodia and South Viet-Nam?

Answer: The ship was about seven nautical miles from Poulo Wal (9 degrees 48 minutes north/102 degrees 53 minutes east), bound for Sattahip, Thailand.

6. What United States intelligence gathering activities, if any, were conducted in or over or from off the shores of Cambodia subsequent to the Khmer Rouge takeover in April 1975 and prior to the seizure of the *Mayaguez*? Were any such activities known to have been detected or terminated by Cambodia?

Answer: The *Mayaguez* was not a spy ship. It was not engaged in intelligence activities. Between the fall of Phnom Penh on April 17 and the seizure of the *Mayaguez* on May 12, the U.S. undertook periodic reconnaissance flights in the area. However, the thrust of question No. 6 appears to be concerned with whether U.S. intelligence activities might have been the provocation of action taken by the Cambodian vessel in seizing the *Mayaguez*. No such activities were conducted within the time period specified.

7. What covert actions, if any, were undertaken by the United States, either directly or indirectly, to disrupt, destabilize, or otherwise interfere in the internal affairs of Cambodia subsequent to the Khmer Rouge takeover in April 1975 and prior to the seizure of the *Mayaguez*? Were any such actions known to have been detected or terminated by Cambodia? If so, and if known, in what manner were they detected or terminated?

Answer: No such actions were undertaken.

8. What communications have occurred to date between the United States and Thailand regarding the use of Thai territory in conjunction with the United States military action to secure the release of the *Mayaguez* and its crew?

Answer: The Thai government on several occasions publicly expressed concern over the presence of our Marines in Thailand in connection with the *Mayaguez* operation. We expressed our regrets at any action which may have caused any embarrassment to the Thai government. The Thai subsequently stated that they were satisfied with our note expressing regret.

HOME HEALTH CARE—PART XVIII

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 15 minutes.

Mr. KOCH. Mr. Speaker, together with 111 House cosponsors I have introduced H.R. 4772 and H.R. 4774, the National Home Health Care Act of 1975. The bill has been given equally strong support in the Senate where it has been introduced as S. 1162 by Senators FRANK MORA and FRANK CHURCH, respective chairmen of



DEPARTMENT OF STATE

Washington, D.C. 20520

June 20, 1975

Honorable Edward W. Brooke
United States Senate
Washington, D.C. 20510

Dear Senator Brooke:

The Secretary has asked me to reply to your letter of May 15, inquiring about the Mayaguez operation. Listed below are the answers to your questions in the order that they were given in your letter. In order to expedite the replies to the questions focused primarily on military matters, we have asked the Department of Defense to reply directly to you.

1. Did the Mayaguez violate any territorial or sovereign rights of Cambodia?

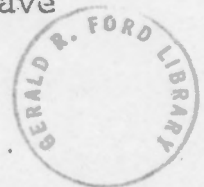
Answer: No. The vessel was on the high seas in international shipping lanes commonly used by ships calling at the various ports of Southeast Asia. It was seized about seven nautical miles from the island of Poulo Wai. The United States recognizes a three nautical mile territorial sea and, in our view, the seizure took place on the high seas. Even if, in the view of others, the ship were considered to be within Cambodian territorial waters, it clearly would have been engaged in innocent passage to the port of another country. Thus, whatever view is taken regarding the legal status of these waters, the vessel's seizure was unlawful and involved a clear-cut illegal use of force.

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?

Answer: Both South Viet-Nam and Cambodia have claimed this island.



b) How far off the island was the Mayaguez when it was seized?

Answer: About seven nautical miles.

c) What are the recognized limits of territorial control of waters off the islands in the area?

Answer: The United States recognizes a three nautical mile limit. South Viet-Nam previously claimed a territorial sea of three nautical miles. Cambodia previously claimed a territorial sea of 12 nautical miles. However, the positions of the current regimes on this question are uncertain.

d) Do the Cambodians claim a twelve mile limit?

Answer: The former government claimed a twelve nautical mile territorial sea, but, to our knowledge, the present authorities have not announced any position regarding the matter of any specific width of territorial sea. They have, however, claimed that the Mayaguez was in Cambodian territorial waters when it was seized.

e) Does the United States Government recognize only a three mile limit?

Answer: Yes, we recognize only a three mile territorial sea.

3. What cargo was the Mayaguez carrying?

Answer: It was carrying commercial cargo and Department of Defense cargo, including such items as spare parts and supplies but not including arms, ammunition or electronic gear.

4. What was the port of origin and the destination for this specific voyage of the Mayaguez?

Answer: The Mayaguez was enroute from Hong Kong to Sattahip in Thailand.

5. What was the purpose of the Mayaguez's voyage?

Answer: The purpose of the voyage was commerce.



6. Was the Mayaguez an armed ship?

Answer: No. The Mayaguez was unarmed.

7. What has 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?

Answer: The Mayaguez was not a spy ship nor was it in any way involved in intelligence operations. There were no U.S. intelligence activities underway in the vicinity.

8. Was the Mayaguez in prior contact with U.S. Government aircraft or ships prior to the seizure?

Answer: We have no record to indicate that it was in contact with U.S. Government craft. The distress message was picked up in commercial channels.

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 time of the first U.S. attack?

Answer: We received first notification that the ship had been seized about 0500 Monday morning, May 12. On Monday afternoon, the head of the Chinese Liaison Office here came to the State Department at our request, and was given a message which was essentially the same as the President's public statement. When the Chinese refused to accept the message, we sent the same message to our mission in Peking for delivery to both the Chinese and Cambodians there. No reply came from either the Chinese or Cambodians. On May 12, U.S. reconnaissance aircraft, in the course of locating the Mayaguez, sustained minimal damage from small arms fire.

On the morning of the 13th, in order to prevent the movement of the Mayaguez to a mainland port, U.S. aircraft fired warning shots across the bow of the ship and gave visual signals to small craft approaching the ship. Subsequently, in order to stabilize the situation and preclude removal of the crew to the mainland where their rescue would be more difficult, U.S. armed forces were ordered to isolate the island



and to interdict any movement between the ship or the island and the mainland, and to prevent movement of the ship itself, taking all possible care to prevent loss of life or injury to the U.S. captives. During the evening of May 13, a Cambodian patrol boat attempting to leave the island disregarded aircraft warnings and was sunk. Thereafter, three other Cambodian patrol craft were destroyed in the vicinity of the island. One boat, suspected or having some U.S. captives on board, succeeded in reaching Kompong Som after efforts to turn it around without injury to the passengers failed. In addition, five other Cambodian craft were later sunk in the efforts to protect the Marine forces on Koh Tang.

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?

Answer: See answer to Question 9.

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 relation to the decision to resort to force and the actual use of force?

Answer: The timing of our approach to the Chinese is noted above as is the first use of force by U.S. armed forces. Since no reply had come from the Cambodians or the Chinese, early on the afternoon of May 14 we asked the Secretary General of the United Nations to use his good offices to obtain release of the Mayaguez and its crew. The Secretary General's effort elicited no response from the Cambodians until several days after the rescue of the ship and crew. Later that afternoon, orders were issued to begin the military operations for the recovery of the ship and crew. The Marines did not take action to recover the ship and crew until that evening.

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 ship? What, if any, communications did we try to forward to that government prior to that announcement and prior to the use of force?

Answer: We received no communications from the Cambodian government prior to the public radio announcement received shortly after 2000 Wednesday. This was a domestic broadcast in the Cambodian language which did not state that the vessel and crew would be released but only said that the vessel would be released. It was not directed to the United States. As noted above, we tried to reach them directly in Peking and through the Chinese prior to any use of force and additionally tried to reach them through the UN before the Marines were ordered to recover the ship and crew. After receiving the public radio message, we took measures to inform the Cambodian government of the fact that we would stop all military operations when the crew was released. We also released to the press the statement we had broadcast to Cambodia.

Cambodian forces continued to attack U.S. forces on Koh Tang after the crew was released and therefore U.S. military action continued in order to effect the earliest possible extraction of the Marines on the island.

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?

Answer: Yes. For details, see separate answer by DOD.

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

Answer: To be answered separately by DOD.

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

Answer: To be answered separately by DOD.

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



Answer: To be answered separately by DOD.

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?

Answer: To be answered separately by DOD.

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

Answer: To be answered separately by DOD.

16. Had there been other reported incidents of harassment of other vessels by Cambodia prior to the seizure of the Mayaguez? If so, why weren't instructions sent to all U.S. flag vessels to divert from the area?

Answer: Yes. Both the Department of State and the Department of Defense are involved in issuing special warnings to U.S. commercial vessels about the possibility of military action, but the need to issue such warnings has been relatively rare. This, coupled with the fact that it was not immediately apparent, to those throughout the government who received the information on Cambodia's attack on a South Korean freighter on May 4 and its detention of a Panamanian ship on May 7, that American ships happening to pass in the area might possibly be in danger, resulted in no warning being immediately issued. A special warning was issued on the day we learned that the Mayaguez was seized.

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

Answer: To be answered separately by DOD.

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

Answer: To be answered separately by DOD.

19. Were troops transported to Thailand 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?

Answer: As Secretary Kissinger recently pointed out, in the course of this decade it may be that a pattern of action has developed that made us assume that our latitude in using Thai bases was greater than the current situation in Southeast Asia would permit to the Thai government. Insofar as we caused any embarrassment to the Thai government, we expressed our regrets at those actions. The Thai subsequently stated that they were satisfied with our note expressing regret.

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

Answer: To be answered separately by DOD.

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

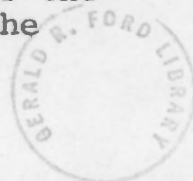
Answer: To be answered separately by DOD.

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?

Answer: The crew members were taken off a Thai fishing boat. None were harmed by the Cambodians. The Cambodians released the crew to the Thai fishing boat following the several military and diplomatic actions summarized above.

We appreciate your interest in obtaining an understanding regarding the actions taken by the Administration in order to rescue the Mayaguez and crew. Although the subject is not specifically addressed in your questions, I am sure you are aware that the Administration's principal concern was to react swiftly and responsibly in order to save the lives of the crew and to recover the vessel.

The Administration acted to prevent that crew from being interned and their lives jeopardized, as the crew of the USS PUEBLO was, and to make clear to the



Cambodian Government and to all other governments that the safety of its sailors and the freedom of the seas for its vessels were matters of great concern to the American Government and people.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

LP/AS/OW

Robert J. McCloskey
Assistant Secretary
for Congressional Relations

Enclosure:
Correspondence returned



Letter to Senator Brooke re Mayaguez operation

Drafted:EA/LC:BSKirkpatrick:jcm
6/18/75 x23133 S/S #7510260

Clearances: EB/TT/MA - Mr. Bank (draft)
EA/TB - Mr. Roberts (draft) (Question 19)
L/OES - Mr. Crook (draft) (Questions 1 and 2)
D/LOS - Mr. Eskin (draft) (Questions 1 and 2)
EA/LC - Mr. Rives (draft)
L/EA - Mrs. Verville (draft)
EA - Mr. Miller (draft)
EA - Mr. Zurhellen (draft)
INR/CIS - Ms. Wahl (subs.) (Question 16)
CIA - Mr. Miller (draft) (Question 7)
H - Mr. Goldberg (draft)
NSC - Lt. Gen. Scowcroft
S/S -





DEPARTMENT OF STATE

Washington, D.C. 20520

June 18, 1975

Honorable Thomas E. Morgan
Chairman
Committee on International Relations
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Secretary has asked me to reply to your letter of June 13 requesting his comment on two identical resolutions, H. Res. 536 and 537 requesting the Secretary of State to furnish information concerning the Mayaguez operation.

At the beginning of the incident, the President directed that the Congress be kept informed. On two occasions members of the White House staff contacted the Congressional leadership by telephone to inform them of developments. On the late afternoon of Wednesday the 18th, the President met with the Congressional leaders to discuss with them the action he had ordered to recover the ship and crew. We have made every effort to keep the House of Representatives informed concerning the Mayaguez operation. Deputy Assistant Secretary of State for East Asian and Pacific Affairs, Robert H. Miller, appeared in executive session before the International Political and Military Affairs Sub-Committee of the International Relations Committee and the Armed Services Committee on May 14, and before the Defense Sub-Committee of the Appropriations Committee and the full International Relations Committee on May 15. The Department of State Legal Adviser, Monroe Leigh, appeared before the International Security and Scientific Affairs Sub-Committee of the International Relations Committee on June 4 to testify concerning consultations with Congress under the War Powers Resolution during the Mayaguez affair.



Enclosed are the Department's comments on the questions raised in H. Res. 536 and 537. We believe that the testimony of administration witnesses before the House, as outlined above, and our comments on these questions are evidence of a cooperative effort on the part of the administration to inform the Congress concerning the successful measures to obtain the release of the Mayaguez and its American crew. For these reasons we believe that H. Res 537 and 536 are unnecessary.

Sincerely,

Robert J. McCloskey
Assistant Secretary for
Congressional Relations

Enclosures:

As stated.



1. What specific diplomatic initiatives and communications were carried out by the United States in response to Cambodia's seizure of the United States merchant ship Mayaguez and its crew?

Answer: 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 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.

Within an hour after that broadcast, the White House issued a statement via the press informing the Cambodian government that our military action would cease when the crew was released.



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.



2. What diplomatic responses and initiatives are known to have been carried out by Cambodia and other parties, including the United Nations, with respect to the seizure of the Mayaguez and its crew and subsequent efforts to release them?

Answer: There are no known diplomatic responses or initiatives carried out by Cambodia, the Chinese, or anyone else with respect to the seizure of the Mayaguez. The Cambodian announcement received in Washington the evening of May 14, which referred to release of the ship but did not mention the crew, was a domestic broadcast in the Cambodian language.

The Secretary General's spokesman at the UN announced the afternoon of May 14 that the Secretary General was making all possible efforts to achieve a solution to the problem by peaceful means. For this purpose, he had communicated with the U. S. and Cambodian governments, offered them his good offices, and appealed to them to refrain from further acts of force to facilitate a peaceful settlement. The Secretary General's effort elicited no response from the Cambodians until some days after the rescue of the ship and crew.



3. What specific diplomatic options were considered and rejected by the National Security Council in seeking the release of the Mayaguez and its crew?

Answer: Because of the urgency of the situation and the lack of direct channels to the Cambodian authorities in Phnom Penh, we judged that the only effective and rapid channels were those we used -- the approach to the Chinese here and in Peking, and the direct delivery of a message to the Cambodian representative in Peking. No other government which might have been helpful in the situation has any representation in Phnom Penh and thus any effective contact with the authorities there.



4. What orders, if any, had been issued to the United States Armed Forces with respect to the Mayaguez incident before the Secretary General of the United Nations was asked to give diplomatic assistance?

Answer: As the President stated in his letter to the Speaker of the House, U.S. forces were ordered on Tuesday, May 13 to take measures to prevent the removal of the ship and crew to the mainland. During that night, several Cambodian patrol boats which disregarded warning signals were damaged or sunk.

We approached the Secretary General shortly after noon on Wednesday, May 14, after having received no positive response from the Cambodians or Chinese to our earlier approaches. The National Security Council met later that afternoon, and at about 5:00 p.m. that afternoon the first orders were issued to begin operations later that evening to remove the ship and crew.



5. If known, what was the exact position and course of the Mayaguez when it was seized in relation to the island Pculo Wai, which is claimed by both Cambodia and South Viet-Nam?

Answer: The ship was about seven nautical miles from Poulo Wai (9 degrees 48 minutes north/102 degrees 53 minutes east), bound for Sattahip, Thailand.



6. What United States intelligence gathering activities, if any, were conducted in or over or from off the shores of Cambodia subsequent to the Khmer Rouge takeover in April 1975 and prior to the seizure of the Mayaguez? Were any such activities known to have been detected or terminated by Cambodia?

Answer: The Mayaguez was not a spy ship. It was not engaged in intelligence activities. Between the fall of Phnom Penh on April 17 and the seizure of the Mayaguez on May 12, the U.S. undertook periodic reconnaissance flights in the area. However, the thrust of question No. 6 appears to be concerned with whether U.S. intelligence activities might have been the provocation of action taken by the Cambodian vessel in seizing the Mayaguez. No such activities were conducted within the time period specified.



7. What covert actions, if any, were undertaken by the United States, either directly or indirectly, to disrupt, destabilize, or otherwise interfere in the internal affairs of Cambodia subsequent to the Khmer Rouge takeover in April 1975 and prior to the seizure of the Mayaguez? Were any such actions known to have been detected or terminated by Cambodia? If so, and if known, in what manner were they detected or terminated?

Answer: No such actions were undertaken.



8. What communications have occurred to date between the United States and Thailand regarding the use of Thai territory in conjunction with the United States military action to secure the release of the Mayaguez and its crew?

Answer: The Thai government on several occasions publicly expressed concern over the presence of our Marines in Thailand in connection with the Mayaguez operation. We expressed our regrets at any action which may have caused any embarrassment to the Thai government. The Thai subsequently stated that they were satisfied with our note expressing regret.



18 June 1975

Honorable Edward W. Brooke
United States Senate
Washington, D. C. 20510

Dear Senator Brooke:

The Department of State has requested that I further respond to your letter of 15 May 1975 with regard to the rescue of the MAYAGUEZ crew.

The following answers are keyed to your questions:

13a. Was there a Cambodian attempt to move the crew or the MAYAGUEZ after the ship had been anchored off Tang Island?

ANSWER: The crew was initially taken to Kaoh Tang Island and later moved to Kompong Som subsequent to the anchoring of the ship off Kaoh Tang Island. Reconnaissance aircraft received indications thereafter that a possible effort to move the ship was being prepared. It was later determined that this was an erroneous indication.

13b. How many of our reconnaissance craft had been fired upon and hit prior to our resort to force?

ANSWER: Two reconnaissance aircraft were struck by small arms fire prior to the landing of the Marine Force on either the vessel or the island. Other aircraft were fired upon, but we have no exact count as to how many.

13c. Were the Cambodian patrol craft that were destroyed or disabled moving toward the MAYAGUEZ when they were interdicted?

ANSWER: Reports currently available do not clearly indicate whether or not the Cambodian vessels were moving toward MAYAGUEZ at the time they were attacked. The President's orders were to interdict any movement between the ship or the island and the mainland.



13d. Had the crew of the MAYAGUEZ been removed from the MAYAGUEZ prior to the time we initiated our use of force?

ANSWER: Yes.

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?

ANSWER: The attacks on the mainland were all related to the rescue of the crew and the ship or protecting the Marine Force on the island. None of them were punitive in nature. Targets included the Ream Airfield and Naval Base and Kompong Som Port Complex and Naval Facility.

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

ANSWER: Of the forces involved in rescue of the MAYAGUEZ and its crew, there were 15 killed in action, 50 wounded in action, 3 missing in action for whom there is little hope of recovery. Thirteen of the fatalities were personnel aboard the CH-53 helicopter that crashed and burned during the initial landing on Kaoh Tang Island.

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

ANSWER: Approximately 300 Marines and 8 naval vessels were engaged in the rescue operation. They were supported by approximately 340 Air Force sorties. The naval vessels included an aircraft carrier from which approximately 60 sorties were launched.

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

ANSWER: There were about 240 Marines inserted on Kaoh Tang and about 65 were placed on USS HOLT for Transfer to MAYAGUEZ.

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

ANSWER: Resistance on the island was reported by the Ground Security Force Commander to have been stiff, determined, and professional. The resistance was characterized primarily by recoilless rifles, mortars, machine guns, and rifles. We have no exact count of ammunition expended by our forces.

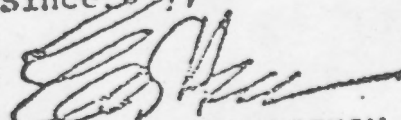


21. What were the number of U.S. and Cambodian casualties?

ANSWER: US casualties were 15 KIA, 50 WIA, and 3 MIA. We believe that hostile casualties inflicted by the Ground Security Force are in the neighborhood of 25-30. No precise estimate of total casualties can be reasonably made although the nature of the mission and the ordnance employed were such as to ensure that civilian casualties on the mainland were minimized.

I hope this information is sufficient to your needs. In the event I may be of further assistance, please advise.

Sincerely,



ZANE E. FINKELSTEIN
Colonel, JAGC, US Army
Legal Adviser & Legislative
Assistant to the Chairman, JCS





THE DEPUTY SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

MAY 23 1975

Honorable John C. Stennis
Chairman, Committee on Armed Services
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

In response to your continuing concern, I enclose a narrative description, including latest casualty figures, of the recent operation in the Gulf of Siam which resulted in the safe return of a U.S. merchant vessel and crew seized on the high seas by the Armed Forces of Cambodia. Also enclosed are recapitulations of air operations, and the results of air strikes and naval interdiction on Cambodian naval vessels.

Sincerely,

Bill Clements

Enclosures



SS MAYAGUEZ/KAOH TANG ISLAND OPERATION

NARRATIVE SUMMARY

The MAYAGUEZ incident began for the US Armed Forces at 5:12 AM on 12 May 1975, when the National Military Command Center (NMCC) received a report from the American Embassy Jakarta that a US merchant vessel, SS MAYAGUEZ, had possibly been boarded. The vessel had been fired on, boarded, and seized in international waters at about 21 minutes past midnight, 12 May while traversing a standard sealane and trade route. (All times used are Eastern Daylight Time. To convert to Gulf of Thailand time, add eleven hours.)

At 7:30 AM, a reconnaissance aircraft was directed to be launched from Utapao, and early that morning a P-3 took off to begin coverage of the area. By mid-afternoon other reconnaissance aircraft joined the surveillance coverage. A total of 45 reconnaissance sorties provided continuous surveillance until the end of the operation. The first minor battle damage was incurred when a P-3 was hit by small arms fire from a gunboat at 9:16 PM. During the afternoon, the destroyer, USS HOLT, the support ship, USS VEGA, the USS CORAL SEA Carrier Task Group, and the destroyer, USS WILSON had been directed to proceed to the vicinity of Kompong Som from various locations in the Western Pacific. By midnight the MAYAGUEZ had moved from the vicinity of Poulo Wai Island to near Kaho Tang Island.



All of these ships were to play a significant role in the operations on 14-15 May.

On 13 May at 6:55 AM, Commander in Chief Pacific (CINCPAC) was directed to maintain fighter/gunship cover over MAYAGUEZ to keep it away from the Cambodian mainland and to isolate the area. At about 6:20 AM, an A-7 reported placing ordnance in the water in front of MAYAGUEZ to signal it not to get underway. During the remainder of the morning, several small boats were observed moving to the MAYAGUEZ and between the ship and Kaoh Tang. At 8:30 PM another A-7 sank a Cambodian patrol boat after attempting to divert the craft.

At 12:10 PM CINCPAC was directed to move all available Air Force helicopters to Utapao, and to temporarily move two reinforced Marine platoons from Subic Bay to Utapao. These preparations were completed by about 3:00 AM on 14 May. At 3:33 PM on 13 May an Okinawan-based Marine battalion was directed to travel to Utapao in case it was needed. This movement was completed early the following day.

During the remainder of 13 May and into early evening of the 14th, efforts continued to prevent MAYAGUEZ from leaving Kaoh Tang until sufficient US forces could be positioned in the event diplomacy failed. During this period a boat was seen leaving the island proceeding towards Kompong Som with some possible Caucasians aboard. It was not known whether this represented some or all of the US crew. Attempts to turn back this boat, including use of warning shots and riot control agents, failed and the boat was allowed to proceed.

It has been subsequently determined that the entire crew was probably on this boat. At midnight on the 13th discretionary authority was given to attack and sink all small craft in the vicinity of Kaoh Tang. Up until that time, the decision to sink any vessel had to be taken in Washington by the NCA.


The military operation to effect the recovery of SS MAYAGUEZ and crew from Cambodian control began with the issuance of an order at 3:50 PM on 14 May. This order followed extensive planning and prepositioning of forces. The initial order directed CINCPAC to conduct the assault using Marines placed aboard the destroyer USS HOLT to seize and secure MAYAGUEZ and sail or tow the ship to sea as soon as possible and also directed a Marine helicopter assault on Kaoh Tang Island to free US crewmen thought to be there. Tactical aircraft from Thailand and the carrier USS CORAL SEA were authorized to provide support for the operations as required, as was naval gunfire. Riot control agents in a defensive mode were authorized to reduce civilian casualties.

At 5:14 PM on 14 May, the first troop-carrying helicopter took off from Utapao Airfield, Thailand, where all available USAF helicopters and the Marine Ground Security Force had been prepositioned. At about the same time, tactical aircraft began to launch to provide continuous coverage for the operation, and an airborne command post assumed on-scene control. Three helicopters carrying about 50 Marine Ground



Security Force combat troops, 6 US Navy explosive ordnance disposal technicians, and a linguist arrived at USS HOLT at about 7:00 PM. These forces, together with 6 Military Sealift Command personnel to crew MAYAGUEZ, were all transferred to HOLT by 7:22 PM. HOLT came alongside MAYAGUEZ at 8:45 PM, and 20 minutes later reported that the Marines were in full control of the ship. No one was found onboard MAYAGUEZ at the time of boarding, but food found on the dining table and a warm kettle on the stove suggested a recent, hasty departure.

The assault on Kaoh Tang began when the first three of eight USAF helicopters with Marine assault forces took off from Utapao. One of the first helicopters reported hostile ground fire at 7:09 PM, and the flight mechanic was wounded. A second helicopter was reported hit and burning some six minutes later. Another helicopter from this flight crashed nearby on the beach at about 7:45 PM. Thirty minutes later insertion of the first assault wave had been completed. Of the eight helicopters in the first wave, three crashed on the beach or in the water, and two were disabled, one landing on a Thai island for fuel before proceeding to Utapao and the other returning directly to Utapao. The Marine Ground Force Commander had consolidated his position in the vicinity of the main landing zone by about 9:45 PM. The force received sporadic but heavy automatic weapon fire, together with claymore mine detonations. Across the island from the main force, 22 personnel, whose helicopter had been hit and crash-landed, were isolated.



CINCPAC had been directed at 5:18 PM on 14 May to commence cyclic strike operations from the aircraft carrier USS CORAL SEA on military targets in the Kompong Som-Ream complex with first time on target specified at 8:45 PM to coincide with the estimated time of recapture of MAYAGUEZ. The first cycle was to be armed reconnaissance with Cambodian aircraft and military watercraft as principal targets. Subsequent flights were to make maximum use of precision guided munitions to attack targets of military significance. The tactical air armed reconnaissance cycle did not expend ordnance. The second cycle struck the Ream Airfield. The runway was cratered, numerous aircraft were destroyed or damaged, and the hangars were badly damaged. The third and final cycle struck the Naval Base at Ream damaging the barracks area. Naval facilities in Kompong Som, including a POL storage area, were also struck during the cycle, damaging two warehouses in the port and scoring a direct hit on a large building in the marshalling yard. This bomb damage assessment is based on pilot reports and some photography. In all, 15 attack sortie expended munitions. Operations against the mainland terminated about midnight on 14 May.

These operations against the mainland were designed to ensure the island was not reinforced, to put pressure on the Cambodians to release the crew and to ensure the safe withdrawal of the Marine Ground Support Force.

At about 7:15 PM, a domestic broadcast from Cambodia had indicated that the Government intended to release the

vessel at some future time. No mention was made of the crew. The broadcast was monitored, translated, and transmitted to Washington where it was passed to the Secretary of Defense in the White House some time after 8:00 PM. This information received after the launch of the force, the landing of the Ground Security Force, and the infliction of most US casualties was not deemed sufficiently definite to call for a ceasefire, which would risk the crew and the Marines on the island.

At 10:23 PM a boat was reported approaching the island flying a white flag. The destroyer USS WILSON picked up the occupants and reported at about 11:15 PM that the entire crew of MAYAGUEZ was accounted for and that all were in good condition. A fishing vessel with a five-man Thai crew had brought MAYAGUEZ's crew to WILSON from Kaoh Rong San Lem. The Thais requested food and fuel for their boat, and upon receipt of these supplies, they departed. By 25 minutes past midnight, on 15 May, MAYAGUEZ's crew had been returned to their ship.

At about midnight, the order was given to cease all offensive operations and begin to withdraw. At that time, additional ground security forces were requested by the Ground Force Commander in order to provide sufficient firepower for a successful withdrawal under fire. The second Marine assault wave had begun to arrive in the area of Kaoh Tang Island at about 11:45 PM on 14 May. The helicopters received



ground fire, and one of the first two was damaged. At eight minutes past midnight, after augmentation by a portion of the second wave, the Marines were reported in good position with the opposition forced back. At 1:21 AM on 15 May, a second helicopter from the second assault wave was hit at the island, and, along with two other helicopters, it returned to Utapao without disembarking the Marines.

Initial efforts to withdraw forces from the island concentrated on extracting the 22 isolated personnel. The main body of the Marine Ground Security Force with a strength of approximately 213 personnel was unable to reach the 22-man Marine force. It was felt there would be considerable risk to this small force if left overnight. The first helicopter making the attempt was hit by ground fire at 3:34 AM and landed on USS CORAL SEA.

The reduction in numbers of operational helicopters, the intensity of enemy ground fire received by each inbound helicopter and the approach of darkness complicated the extraction. Small boats from USS HOLT and USS WILSON began efforts to approach the beaches at 6:15 AM, but aborted due in part to ground fire. Working with naval gunfire and tactical aircraft support, the extraction continued into darkness. Helicopters recovering to CORAL SEA were able to finally clear all USMC personnel from the island by about 9:15 AM, 15 May. The small group near the downed helicopter had been the first extracted, some two hours earlier.

Reports now available indicate that there were 15 killed in action, 50 wounded in action, and 3 missing in action for whom there is little hope. Final reports are still not available. Most of the fatalities were personnel aboard the CH-53 helicopter that crashed and burned during the initial landing on Kaoh Tang. We believe that hostile casualties inflicted by the ground security forces are in the neighborhood of 25 to 30. No precise estimate of total hostile casualties can be reasonably made although the nature of the mission and the ordnance employed should ensure that civilian casualties on the mainland were minimal.

At the approximate time of the extraction of the last Marines from Kaoh Tang Island, it was directed that the residual force of 789 Marines at Utapao be returned to their home station. The first C-141 aircraft with 150 Marines lifted off Utapao at about noon with the last aircraft departing at a little after 5:00 PM, 15 May. Marine forces aboard the USS CORAL SEA were taken to Subic Bay by the Naval Task Force and arrived Tuesday morning, 20 May 1975. The Armed Forces of the United States in the Pacific area have reverted to routine operations.





28 May 1975

The Honorable John C. Stennis
Chairman, Committee on Armed Services
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

In response to your verbal request, I hope the attached account of the Mayaguez Operation will be helpful in the forthcoming debate in the Senate.

If I can be of further assistance, please do not hesitate to call on me.

Sincerely,

A handwritten signature in cursive script, reading "J. William Middendorf II".
J. William Middendorf II

Attachment



SS MAYAGUEZ/KAOH TANG ISLAND OPERATION

TACAIR OPERATIONS FROM CARRIER CORAL SEA AND BOMB DAMAGE ASSESSMENT, MAINLAND STRIKES

<u>SERVICE</u>	<u>TYPE ACFT</u>	<u>SORTIES</u>	<u>TARGETS</u>
USN	A-7	5	REAM/KOMPONG SOM AIRFIELD
	A-6	2	REAM/KOMPONG SOM AIRFIELD
	A-7	2	REAM NAVAL FACILITY
	A-7	4	KOMPONG SOM NAVAL FACILITY
	A-6	2	REAM NAVAL FACILITY
	F-4	18	CAP/ESCORT
	A-6	4	CLOSE AIR SUPPORT KAOH TANG ISL
	A-7	10	CLOSE AIR SUPPORT KAOH TANG ISL
		<hr/>	
TOTAL		47	

KOMPONG SOM PORT COMPLEX:

- Two warehouses damaged and fires noted
- POL facility hit
- Railroad marshalling yard building hit, no fire or secondary explosions noted

REAM NAVAL BASE:

- Barracks destroyed; POL fires noted

REAM AIRFIELD:

- Numerous A/C destroyed, 5 A/C damaged
- Hangars damaged, runway cratered, large POL fire, active 37
- AAA site damaged



SS MAYAGUEZ/KAOH TANG ISLAND OPERATION

COMBAT SUPPORT AIRCRAFT OPERATIONS

<u>SERVICE</u>	<u>TYPE</u>	<u>SORTIES</u>	<u>MISSION</u>
USAF	OV-10	4	Forward Air Controller
	EC-130	6	Airborne Command and Control Center
	HC-130	8	Search and Rescue Control and HH-53 Refuelers
	CH/HH-53	3	Search and Rescue
	KC-135	<u>49</u>	TACAIR Refuelers
	Sub Total	70	
USN	KA-6D	6	Refueler
	KA-7D	2	Refueler
	EI-B	<u>4</u>	Airborne Early Warning
	Sub Total	12	
	Grand Total	82	



SS MAYAGUEZ/KAOH TANG ISLAND OPERATION.

HELICOPTER SORTIES LOST/DAMAGED

<u>SERVICE</u>	<u>HELOS EMPLOYED</u>	<u>SORTIES</u>	<u>LOSS</u>	<u>DAMAGE</u>	<u>CAUSE</u>
USAF*	8 CH-53	14 CH-53	3 CH-53	4 CH-53	Ground Kao I Dang Island
	8 HH-53	15 HH-53		6 HH-53	
USN	2 SH-3G	4			
USMC	None				

* Does not include deployment/redeployment sorties within Thailand. Air Force security forces were collected at Utapao in the event it was considered necessary, because of time constraints, to use them to secure MAYAGUEZ. This option was not exercised as Marines were utilized on this mission. A force of 75 USAF Security Police was directed to move to Utapao from various bases in Thailand. Eighteen of the 23 men killed in the CH-53 crash of April 13 were part of this force.



SS MAYAGUEZ/KAOH TANG ISLAND OPERATION

RESULTS OF ATTACKS AGAINST CAMBODIAN NAVAL VESSELS

Following is a recapitulation of the results of reported strikes on Cambodian naval vessels.

Sinkings to Prevent Movement of SS MAYAGUEZ to Kompong Som

<u>Date/Time of Incident</u> (all times are EDT)	<u>Struck by</u>	<u>Type Vessel</u>	<u>Results</u>
132020 May 75	A-7	Patrol Boat	Sunk NE Kaoh Tan Island
140040 May 75	F-4	2 small boats	Sunk bet MAYAGUEZ Kaoh Tan
141406 May 75	AC-130	Patrol craft	Sunk 2 m ENE Kaoh Island

Sinkings to Protect USMC Forces on Kaoh Tang Island

<u>Date/Time of Incident</u>	<u>Struck by</u>	<u>Type Vessel</u>	<u>Results</u>
150100 May 75	F-4	Large barge	Sunk Nor Kaoh Tan
150140 May 75	A-7	Patrol craft	Sunk .6 m south Ko Som
150146 May 75	F-111	2 small boats	Sunk sou Kaoh Tan
150540 May 75	USS WILSON	Patrol boat	Sunk nor Kaoh Tan

TOTAL

8 patrol craft and one barge sunk.



SS MAYAGUEZ/KAOH TANG ISLAND OPERATION

<u>SERVICE</u>	<u>TYPE ACFT</u>	<u>SORTIES</u>	<u>TARGETS</u>	<u>LOSS/DAMAGE</u>
USAF	F-4	164	Close air spt vic Kaoh Tang.	1 damaged - hole inlet ramp.
	A-7	44	Close air spt vic Kaoh Tang and RCA on MAYAGUEZ.	1 damaged - hole wing.
	F-111	45	Close air spt vic Kaoh Tang.	
	AC-130	19	Close air spt vic Kaoh Tang.	
	TOTAL	272		

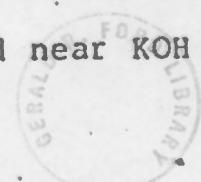


Mayaguez Operation

The participation of U. S. Navy and Marine Corps personnel and units in the recent MAYAGUEZ operations was a major factor in the successful return of that ship and its crew to United States control.

The responsiveness, flexibility and professionalism displayed by all U.S. military people were of the highest order and should be a source of satisfaction and pride to the American people in these uncertain times. A detailed public account of the Navy and Marine Corps operations appears appropriate at this juncture.

As you will recall, on May 12th of this year, the United States merchantman SS MAYAGUEZ was stopped and illegally hijacked by armed naval craft of the Cambodian communist regime. The ship at that time was in a peaceful transit well South of Cambodia in the normal shipping lanes used by merchant vessels of all countries traversing the Gulf of Siam. The MAYAGUEZ managed to radio a distress signal while being boarded and Navy patrol aircraft were immediately launched to maintain continuous surveillance of the MAYAGUEZ as events unfolded after the seizure. To complement this surveillance, the Air Force provided tactical aircraft on the scene in order to attempt to prevent, if ordered, movement of the ship or its crew to the Cambodian mainland. Early on May 13th after the MAYAGUEZ had been anchored near KOH TANG



island some 32 miles offshore, a Navy patrol plane noted small arms fire directed at it from the MAYAGUEZ itself.

Later on the 14th, a Navy patrol plane observed people being transferred from the MAYAGUEZ to a tugboat. This early and continuous surveillance provided the information on which Washington authorities based their decision to initiate recovery operations on the 14th of May.

At the time of the seizure, there were no Navy ships in the immediate vicinity. The carrier CORAL SEA, enroute to a scheduled port visit, was well South of the Philippines; she was turned around and steamed at high speed to the Gulf of Siam. The destroyers HOLT and H. B. WILSON, in the vicinity of Subic Bay, proceeded at high speed to the scene of the seizure, with HOLT in advance due to her closer initial position. The carrier HANCOCK, in Subic Bay, was loaded out with Marines, and their helicopters and other amphibious ships, still reconfiguring and consolidating troops and equipment after the Saigon evacuation, were made ready. The individual ships sailed as soon as loaded out at best speed toward the Gulf of Siam but were considerably behind the two destroyers.

Due to the transit time required for these amphibious forces to arrive on the scene and the necessity for early action to prevent movement of either MAYAGUEZ or her captive crewmen to the mainland, two groups of Marines were assembled and flown to the base at Utapao in Thailand on the 14th of May. The first, comprised of two reinforced platoons of about 100 men, together



with a nucleus crew of merchant marine and navy engineers, came from Subic Bay to provide the capability to recapture the MAYAGUEZ and steam the ship into international waters. The second, a battalion of about 1000 Marines, came from Okinawa to provide the capability to land on the island, assist if necessary in the recapture of the ship and to search for crewmen believed captive ashore. United States Air Force helicopters meanwhile were assembled at Utapao to provide lift to the island area.

The Navy patrol planes and the Air Force tactical aircraft meanwhile tried to prevent small boat movement in the area, either to take the captured crewmen to the mainland or to bring reinforcements to the island. Although there were tenuous indications that the Cambodians may have succeeded in getting through this barrier with some crewmen, it was by no means certain that others were not being held captive aboard the ship or on the island. Accordingly, a three-part operation was planned for dawn on the 15th: the boarding and recapture of the MAYAGUEZ at anchor, a covering landing on the island and concurrent search for the captive crewmen; and tactical air strikes from the carrier CORAL SEA, which would then be within range, to prevent any air or naval reinforcements from the Kompong Som-Ream area of the mainland jeopardizing the ship and island operations.

At dawn, eleven Air Force helicopters loaded with Marines arrived on scene. Three proceeded to land about 60 Marines on the destroyer HOLT, first to arrive in the area. The other eight

began to insert Marines on the island under heavy enemy fire. As soon as her Marines were aboard, HOLT proceeded to MAYAGUEZ and carried out the difficult and risky maneuver of laying alongside. As the hulls touched, Marines clambered aboard MAYAGUEZ fully ready for armed resistance; as it turned out, the Cambodian ship keepers apparently jumped overboard on the approach of the HOLT and the ship was retaken without resistance. After a rapid search of the ship and a check for demolition charges, the merchant marine nucleus crew boarded MAYAGUEZ to fire her boilers and prepare her for tow by the HOLT. In less than an hour, the U.S. flag had been rehoisted.

Strike aircraft from CORAL SEA were meanwhile over Kompong Som, and the Marines established a lodgment on the island against heavy resistance and despite the loss of or damage to several of the helicopters.

The destroyer H. B. WILSON had arrived in the area by this time, recovered the survivors of one of the downed helicopters, and was proceeding to render gunfire support of the Marine troops ashore. She intercepted a fishing boat approaching the island with a white flag and radioed that there appeared to be Caucasians aboard. She subsequently radioed that she had the Master of the MAYAGUEZ and his entire crew, safe and in U.S. hands. At the request of the Master, WILSON closed and transferred him and his crew back to the MAYAGUEZ where they assisted in the ship being taken under tow by HOLT. WILSON then hurried to another part of the island where the survivors of a downed

helicopter were pinned down by heavy enemy fire. Her five inch guns soon silenced an automatic weapons position.

With the ship and crew back in U.S. hands, the difficult extraction of the Marine landing force commenced. What is a risky operation at best became complicated by the severe helicopter losses that had been sustained and the lengthy round trip time to the base at Utapao. To facilitate this critical operation in the waning hours of daylight, the carrier CORAL SEA ceased her regular aircraft operations and steamed at maximum speed to close the island to minimum distance. The helicopters now had only a relatively short round trip and their reduced numbers could shuttle extracted Marines from the beach to her deck, refuel, and make necessary combat repairs. Two of CORAL SEA's own utility helicopters joined in the extraction effort.

HOLT, which had cast loose MAYAGUEZ under her own power, had proceeded to the beach extraction area where her gunpower was added to that of WILSON to cover the helicopter evacuation. Both ships had armed boats in the water, ready if necessary to proceed to the beach to pick up the last of the Marines.

About one and a half hours after sunset, the last helicopter with the last known Marines on the island was enroute to the nearby deck of the CORAL SEA.

From the moment of the stopping and seizure of MAYAGUEZ, three days and six hours had elapsed until ship and crew were back in U.S. custody and the last of our combat forces had been



withdrawn.

All the Services played a role in this difficult mission, and I believe every American can be especially proud of the courage, skill and devotion displayed by the Marines and Navymen who were in the forefront of the operation and at the point of contact. Freedom for peaceful use of the seas is a sine qua non for America, and we can thank those brave men who acted decisively to preserve it for all of us.

NSC Meetings on the
Seizure of American Ship by Cambodians

1. May 12, 1975
Principals: President, Vice President, Secretary of State,
Secretary of Defense, Acting Chairman of JCS
David C. Jones, Director of Central Intelligence
Others: Deputy Secretary of State, Deputy Secretary of
Defense, Donald Rumsfeld, Brent Scowcroft,
W. Richard Smyser
2. May 13, 1975, 10:15 am
Principals: President, Vice President, Under Secretary of
State for Political Affairs Joseph Sisco, Secretary
of Defense, Acting Chairman of JCS David C.
Jones, Director of Central Intelligence
Others: Deputy Secretary of Defense, Donald Rumsfeld,
Robert Hartmann, John Marsh, Brent Scowcroft,
W. Richard Smyser
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Principals: President, Vice President, Secretary of State,
Secretary of Defense, Acting Chairman of JCS
David C. Jones, Director of Central Intelligence
Others: Deputy Secretary of State, Deputy Secretary of
Defense, Donald Rumsfeld, John Marsh, Robert
Hartmann, Philip Buchen, Brent Scowcroft,
W. Richard Smyser
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Secretary of Defense, Acting Chairman of JCS
David C. Jones, Director of Central Intelligence
Others: Deputy Secretary of State, Deputy Secretary of
Defense, James L. Holloway, Donald Rumsfeld,
John Marsh, Robert Hartmann, Philip Buchen,
Brent Scowcroft, W. Richard Smyser
5. May 15, 1975
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Defense, Acting Chairman of JCS David C.
Jones, Director of Central Intelligence
Others: Deputy Secretary of State, Deputy Secretary of
Defense, Donald Rumsfeld, Robert Hartmann,
Brent Scowcroft, W. Richard Smyser



THE WHITE HOUSE
WASHINGTON

March 2, 1976

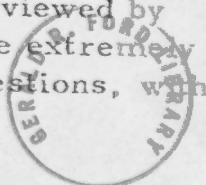
Mayaguez
DeLoach

Dear Congressman Fascell:

In further response to your letter to the President of January 19, we have reviewed carefully the material supplied to the Congress and to the General Accounting Office concerning the Mayaguez incident, as well as the material which had been requested by the GAO but which we had been unable to supply. We have also asked the individual agencies to conduct a similar review.

As we informed the GAO orally, the minutes of NSC meetings have traditionally not been made available outside the Executive Branch. We believe it is necessary that the participants in these meetings feel able to provide the President with candid advice. Knowledge that the views expressed during these meetings would be subject to Congressional or GAO scrutiny would have an inhibiting effect which might deprive the President of the frank and honest opinion of his senior advisers, so necessary for the effective conduct of our foreign relations. For these reasons, we were unable to provide the minutes and records of discussions of NSC meetings, the options and recommendations prepared for these meetings, or the intelligence briefings provided the Council or the President in connection with them. For similar reasons, we were unable to provide the papers concerning the NSC staff preparations for such meetings. We have, however, prepared a list of statutory and agency participants in the NSC meetings on the Mayaguez incident, which is attached.

Although we were unable to provide the GAO investigators with the internal NSC material they sought, in an effort to be responsive to their desires for information, we arranged for several of the NSC staff members who had been most closely associated with the hour-to-hour developments in the Mayaguez incident to be interviewed by the investigators. I understand that these interviews were extremely detailed and that the staff members answered the GAO questions, with



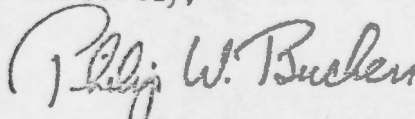
the exception of those directly concerning information and options presented to the President, on the basis of their extensive personal knowledge of the events.

The GAO representatives also asked for "pre- and post-meeting communications to other agencies and officials." The only such communication we could identify was a classified May 12, 1975 memorandum from the President to the Secretary of Defense concerning the use of riot control agents. We provided the GAO representatives with a copy of this memorandum.

With regard to the request for post-mortems, the GAO representatives were given the After Action Report prepared by the Department of Defense. A separate CIA post-mortem was prepared at the direction of the President. Although the document remains highly sensitive, we are prepared to provide a copy of it on loan to your Committee. It should, of course, be protected as a classified document and its contents should not be made public in any way. You or a member of your staff should contact Mrs. Jeanne W. Davis, Staff Secretary of the National Security Council (395-3440) who will make the copy of this document available to you.

I note that the GAO has finished its report on the Mayaguez incident and, on February 3 provided a copy to the NSC Staff for review and comment. This review is almost completed. The report appears to be a comprehensive and detailed account of the events surrounding the seizure and release of the Mayaguez. I hope you will agree that the large volume of material supplied by the various departments and agencies, supplemented by the material enclosed herewith, provides a detailed report to the Congress on events connected with this incident.

Sincerely,



Philip W. Buchen
Counsel to the President

The Honorable Dante B. Fascell
Chairman
Subcommittee on International
Political and Military Affairs
House of Representatives
Washington, D. C. 20515



NATIONAL SECURITY COUNCIL

March 1, 1976

MEMORANDUM FOR: PHILIP BUCHEN

FROM: Jeanne W. Davis *JWD*

SUBJECT: Reply to Congressman Fascell on
GAO Investigation of Mayaguez
Incident

Enclosed at Tab A for your signature, as agreed with Jim Wilderotter, (Tab B)
is the reply to Mr. Fascell's letter/concerning the GAO investigation
of the Mayaguez incident. The reply has been cleared by Jim
Wilderotter, Bill Hyland, Jack Marsh and Max Friedersdorf.

RECOMMENDATION:

That you sign the letter at Tab A.



CLEM, F. J. FARMER, MD.
 WAYNE, J. H. DODD, ILL.
 L. H. FORD, N.C.
 DANIEL E. FARMER, FLA.
 CHARLES E. DODD, JR., MICH.
 ROBERT E. DODD, PA.
 DONALD E. DODD, MINN.
 BENJAMIN E. ROSENTHAL, N.Y.
 LEE H. HAMILTON, IND.
 LESTER L. WOLFF, N.Y.
 JONATHAN H. BINGHAM, N.Y.
 GUS VATHON, PA.
 ROY A. TAYLOR, N.C.
 MICHAEL HARRINGTON, MASS.
 LEO J. REAN, CALIF.
 CHARLES WILSON, TEX.
 DONALD W. REBEL, JR., MICH.
 CARLOS COLLINS, ILL.
 STEPHEN J. SOLARE, N.Y.
 HELEN S. MEYER, N.J.
 DON BOMKER, WASH.

WILLIAM S. PERSONFIELD, MICH.
 EDWARD J. DEWINSKI, ILL.
 PAUL FINDLEY, ILL.
 JOHN H. BUCHANAN, JR., ALA.
 J. HERBERT BURKE, FLA.
 HERBERT S. DU PONT, DEL.
 CHARLES W. VHALEN, JR., OHIO
 EDWARD G. DISTER, JR., PA.
 LARRY WINN, JR., KANS.
 BENJAMIN A. GILMAN, N.Y.
 TENNYSON GUYER, OHIO
 ROBERT J. LACOMASINO, CALIF.

Congress of the United States

Committee on International Relations

House of Representatives
 Washington, D.C. 20515

MARIAN A. CZARNECKI
 CHIEF OF STAFF

January 19, 1976

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

Dear Mr. President:

The Subcommittee on International Political and Military Affairs, operating under a House Resolution of Inquiry, is investigating the seizure of the U.S. vessel Mayaguez and subsequent diplomatic and military actions to secure its release. The Subcommittee believes that, despite the successful recovery of the Mayaguez and its crew, a number of serious issues remain which must be vigorously pursued to ensure that any future crisis is managed so as to maximize the chances of a peaceful solution and minimize risks to the lives of U.S. civilians and military personnel. The General Accounting Office is assisting the Subcommittee in its investigation.

Representatives of the Executive branch have repeatedly assured the Subcommittee of the Administration's wish to cooperate in every possible way with both the Subcommittee and the General Accounting Office in this review. However, nine months have elapsed since the Subcommittee started its investigation, and the Executive branch is still withholding both a number of documents and also types of information from the Subcommittee and from the General Accounting Office which are important to our inquiry.



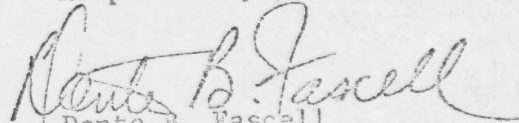
Committee on International Relations

The Honorable Gerald R. Ford
January 19, 1976
Page 2

This letter solicits your assistance in making this information available in order to permit the Subcommittee and Congress to complete our review of the incident and the important policy and procedural issues involved.

The enclosure outlines the documents and types of information withheld by the Executive branch agencies involved.

Respectfully yours,


Dante B. Fascell
Chairman

Subcommittee on International
Political and Military Affairs

DBF:mfc

Enclosure



Committee on International Relations

ENCLOSURE

DOCUMENTS AND TYPES OF INFORMATION WITHHELD DURING INVESTIGATION OF MAYAGUEZ INCIDENT

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DEPARTMENT OF DEFENSE

1. Military options, risk assessment, and recommendations presented to Department principals or the NSC.

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1. Diplomatic options and recommendations presented to NSC.
2. Diplomatic messages sent to the Cambodians.



Committee on International Relations

Enclosure

Page 2

January 19, 1976

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Documents identified but not supplied include:

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-- A CIA and/or other post mortem on the performance of the
intelligence community during the episode.



CLEM, W. J. TADLOCK, WIS.
WAYNE, J. HAY, OHIO
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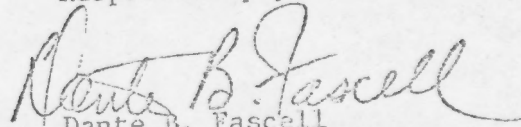
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Committee on International Relations

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Mayaguez

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WASHINGTON

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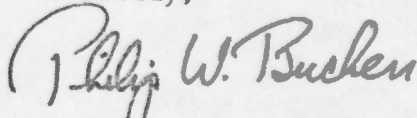
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Philip W. Buchen
Counsel to the President

The Honorable Dante B. Fascell
Chairman
Subcommittee on International
Political and Military Affairs
House of Representatives
Washington, D. C. 20515



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John Marsh, Robert Hartmann, Philip Buchen,
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Jones, Director of Central Intelligence
Others: Deputy Secretary of State, Deputy Secretary of
Defense, Donald Rumsfeld, Robert Hartmann,
Brent Scowcroft, W. Richard Smyser



Magaguz

THE WHITE HOUSE

WASHINGTON

May 24, 1976

MEMORANDUM FOR: JEANNE DAVIS
LES JANKA

FROM: PHIL BUCHEN *P.*

I suggest attaching to your memorandum of May 22 the one I have prepared after removing from your memorandum the last line on page 3.

Attachment



THE WHITE HOUSE

WASHINGTON

May 24, 1976

MEMORANDUM FOR: BRENT SCOWCROFT
FROM: PHIL BUCHEN
SUBJECT: Declassification and Release of
GAO Report on Mayaguez Incident

My comments on the memorandum to you from Jeanne Davis and Les Janka on this subject I have passed on to you verbally and this is just to make a record of our discussion.

I suggest that you first call Congressman Fascell to explain the following:

1. that because of your position as a close Presidential advisor you are obliged to follow the tradition of declining to appear for testimony before a Congressional Committee or a Subcommittee.
2. that your staff is working closely with GAO to agree upon such minor changes or deletions in the report as might be necessary to prepare it in declassified form.
3. that the reason for taking this precaution is that which is described in the fourth paragraph of Tab B to the memorandum.

Then, you could follow this conversation with a confirming letter.

