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JAN 15 1975

THE WHITE HOUSE

WASHINGTON

January 14, 1975

M

MEMORANDUM FOR:

JACK MARSH
MAX FRIEDERSDORF

m.6

FROM:

BOB WOLTHUIS

RKW

SUBJECT:

Viet Nam

I think there is near unanimous agreement that all Viet Nam military aid legislation will be very difficult to get through Congress. The vote shifts in the House and the Senate are critical. As you know, we lost the \$266 million increase for Viet Nam last year by just a couple of votes and we managed to beat the Proxmire amendment to cut MASF from \$700 million to \$525 million by about the same margin.

I do sense some growing press support for U.S. aid to Viet Nam and while I remain skeptical about our chances, now that the President has made the decision to go for the supplemental, I think the matter will require one of the biggest efforts the Administration has ever made. Since I will be deeply involved in that effort, I would like to make some suggestions for your consideration.

For the past year at Defense we talked about Viet Nam, but we have done almost nothing in a public and Congressional Relations way to build support for the program. The story has to be told and the story has to be observed. I think we must get some Congressional people to Saigon. The American people somehow have to be convinced that this expenditure is worthwhile. Consequently, I would like to suggest a Presidential Commission or task force or whatever you call it to consist of selected Members of Congress and perhaps the public representing the entire political spectrum to go to Saigon and make their own investigation. I am aware that this entails some risks and I think it will be difficult to put the commission together for political reasons. But I am also told by the Defense people who are administering our program and the NSC policymakers that South Viet Nam can stand this type of scrutiny. If the commission could be put together and their visit resulted in a favorable report, I think we have a fair chance of winning the supplemental. It would also greatly enhance our prospect of getting a full appropriation in FY '76. If in FY '76 we experience the same cuts that we did in the last fiscal year, we will find ourselves in the same position we are today.



THE WHITE HOUSE
WASHINGTON

January 9, 1975

MEMORANDUM FOR: JACK MARSH
THROUGH: MAX FRIEDERSDORF *M. 6.*
FROM: BOB WOLTHUIS *RKW*
SUBJECT: Saigon/Phnom Penh Trip

We had a meeting this morning with the NSC people regarding the Viet Nam supplemental. Since I will be deeply involved in this matter for the White House, I have asked Max if he would approve a quick visit to Saigon and Phnom Penh by me. I strongly believe that all Viet Nam legislation, whether it be a supplemental or a regular authorization and appropriation, will be a very difficult legislative flight.

I would very much like to have a first-hand look at the military, political, and supply situation. I propose to leave on January 12 by commercial air and return by January 20.

Disagreement
M

[Large handwritten flourish]



THE WHITE HOUSE
WASHINGTON

DATE: Jan 9, 1975

TO: Bruce A. Kehrli

FROM:

SUBJECT: Request for Travel

NAME Robert K Wolthuis Robert K Wolthuis
(Typed and Signature)

DESTINATION Saigon

PURPOSE OF TRIP Evaluation of U.S Military Assistance
as it bears on Congressional Appropriations

DEPARTURE DATE Jan 12, 1975 RETURN DATE Jan 20, 1975

MODE OF TRANSPORTATION Commercial Air

LODGING ACCOMMODATIONS Unknown at this time
(Name)

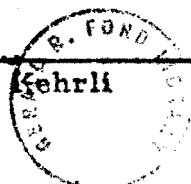
(Address)

ESTIMATED TOTAL EXPENSES \$ _____

AUTHORIZATION OF SUPERVISOR Max H. Friedensohn
(Signature of Certifying Officer if appropriate)

ACKNOWLEDGED BY: _____
Bruce A. Kehrli

(Submit in Duplicate)



[3/75?]

Suggested Names for VE Delegation

— John Eisenhower
Robert Murphy
John J. McCloy
General Lawton Collins
— General Mark Clark
Senator Inouye
General Lemnitzer
General Norstad
General Gruenther
— Lucius Clay
— Olin E. Teague
Senator Goldwater
Dean Rusk

3 5 4



[3/75?]

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— John Eisenhower
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General Lemnitzer
General Norstad
General Gruenther
— Lucius Clay
— Olin E. Teague
Senator Goldwater
Dean Rusk

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THE WHITE HOUSE

WASHINGTON

March 26

Mr. Marsh --

Attached, per your request, are
the letters from M/Cs Kennedy,
Schroeder, & Hamilton.

Thanks.

Handwritten: H. M. / J. M.

Handwritten: D / Give / Life to / donna / common / done

March 25, 1975

Dear Senator:

Thank you for your March 21 letter to the President, which, I wish to assure you will be called to his attention without delay.

At a time when our attention is focused on programs and policies with respect to southeast Asia, I know that your views will be studied very carefully.

With kind regards,

Sincerely,

William T. Kendall
Deputy Assistant
to the President

The Honorable Edward M. Kennedy
United States Senate
Washington, D.C. 20510

bcc: w/incoming to General Secowcroft for appropriate action.

WTK:EF:VO:vo



3-24
Edward M. Kennedy
Massachusetts



United States Senate

March 21, 1975

The President
The White House
Washington, D. C.

Dear Mr. President:

I am writing to express my deep concern over the growing human tragedy in Cambodia and Vietnam, and to urge your personal consideration of new initiatives for the better protection and care of refugees and war victims in all areas of both countries.

Since the earliest stages of the Indochina war, the humanitarian problems of refugees, orphans, civilian casualties, and other war victims have been of special concern to me personally, as well as to the Subcommittee on Refugees which I serve as Chairman. Over the years, we have worked closely with officials in the Executive Branch in a diligent effort to bring stronger humanitarian priorities in our national policy in Indochina, and to help find reasonable and humane solutions to the undeniably tragic problems which war has brought to the people of the entire area.



In this connection, and especially since the 1973 Agreement on Ending the War and Restoring the Peace in Vietnam, I have strongly advocated greater initiative by our government to internationalize needed humanitarian efforts and programs throughout Indochina, and introduced and supported legislation to accomplish this end.

In light of the clear congressional mandate in this important area of public policy, and given the spreading human tragedy in Cambodia and Vietnam, I share the view of many Americans that the time is past due for the humanitarian intervention of the international community.

I am extremely hopeful, therefore, that you will favorably consider an urgent appeal for United Nations Secretary General Kurt Waldheim to exercise his good offices for humanitarian purposes in all sectors of Cambodia and Vietnam. This could be done, perhaps, through the United Nations High Commissioner for Refugees or the director of UNICEF, whose offices are actively present in all parts of Indochina.

I strongly feel that, in cooperation with the International Red Cross and the private voluntary agencies, the good offices and more active presence of the United Nations in Indochina will help to save lives, protect the movement of refugees, facilitate the free movement of relief personnel and supplies to

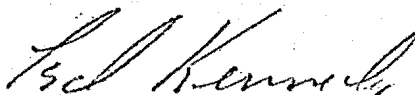


areas of need on all sides, and hopefully encourage and strengthen needed efforts for peace.

I appreciate your consideration, Mr. President, and pledge my full support of meaningful efforts to help bring peace and relief to the people of Indochina.

Best wishes.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ed Kennedy".

Edward M. Kennedy



Note: Mr. Long did receive a substantive reply on March 7 in which he is advised that State will brief him in detail if he so desires. Since Mrs. Schroeder is unaware of this reply -- we do not make reference in the attached acknowledgment, in the event Mr. Long did not wish to advise Mrs. Schroeder of the reply he has received.

VO

*See my memo to
Brent Seawcroft
of 3/21 re Long's
ltr. VL - Copy
Attached*



March 25, 1975

Dear Mrs. Schroeder:

Thank you for your March 20 letter to the President requesting background information concerning our commitments with respect to military sales to Iran for a period covering the past five years through the present.

I note that you have joined your request for information with that previously received from Congressman Clarence Long. Since you have expanded the specific information initially requested, we will be pleased to ask that your letter receive prompt consideration. You will hear further as soon as possible.

With kind regards,

Sincerely,

Vernon C. Loeb
Deputy Assistant
to the President

The Honorable Patricia Schroeder
House of Representatives
Washington, D.C. 20515

bcc: w/incoming to General Scowcroft for DRAFT REPLY.
Please note Mr. Long received substantive reply on March 7
(NSC Log No 0067)

VCL:EF:VO:vo



PATRICIA SCHROEDER
1ST DISTRICT, DENVER, COLORADO

ARMED SERVICES COMMITTEE
POST OFFICE AND CIVIL
SERVICE COMMITTEE

DISTRICT OFFICE:
DENVER FEDERAL BUILDING
1767 HIGH STREET
DENVER, COLORADO 80218
(303) 837-2354

WASHINGTON OFFICE:
1131 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 223-4431

Congress of the United States
House of Representatives
Washington, D.C. 20515

March 20, 1975

MF
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

On December 20, 1975, Representative Clarence Long requested full facts on all U.S. commitments to Iran during the last five years plus information regarding the sale of F-14's to Iran in May of 1972. To date, no sufficient reply has been received. However, facts pertaining to U.S. military sales in Iran remain important and I join Representative Long in an inquiry for information in this area.

According to accounts from the Department of Defense, U.S. military sale orders to Iran amounted to \$646,212 between FY1965-69, and during the years FY 1970-74 the total grew to \$6.9 million. In addition to the danger latent in an accelerated supply of arms to the Persian Gulf area, the sales evidently have a detrimental effect upon U.S. capability and resources. In 1974 it was reported before the Senate Foreign Relations Committee that the sale of eight F-14 fighter aircraft to Iran "prior to the planned U.S. Navy force being equipped" could "considerably reduce combat capacity of the U.S. Armed Forces". Moreover, the allegation by Representative Long and others regarding the absence of a National Security Council study on the advisability of such growth in arms proliferation remains unsolved.

Representative Long has outlined these issues in his letter of December 20, 1974 and my present purpose is to support his request, plus ask for an account of

1. current U.S. policy toward Iran
2. current U.S. commitment and military obligation to Iran
3. the impact of our military personnel and equipment obligation to Iran upon U.S. capability.

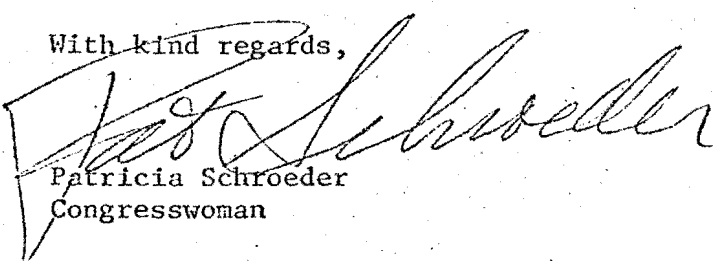


March 20, 1975

Without the benefit of crucial information it is impossible for Congress to be effective in performing its duties. The issue of U.S. arms sales to foreign countries is a matter of concern for many and I hope the appropriate information will be forthcoming.

Thank you.

With kind regards,


Patricia Schroeder
Congresswoman

PS/lf/aw



THE WHITE HOUSE

WASHINGTON

March 20, 1975

MEMORANDUM FOR: LT. GEN. BRENT SCOWCROFT
THROUGH: MAX FRIEDERSDORF
FROM: VERN LOEN *VL*
SUBJECT: M. C. Clarence Long (D-Md)

Mr. Long was dissatisfied with my March 7 response to his letter of December 20, 1974 (see attached).

Mr. Long is a member of the Appropriations Subcommittee having jurisdiction over NSC. He is determined to get answers to the questions raised in his letter concerning U.S. arms sales policy toward Iran. He says that if the answers are not provided, his subcommittee may subpoena the desired information or hold special hearings.

In addition, he indicates that other members of Congress are watching the Administration's response to this request. Presumably, these are members of the liberal Democratic Study Group who have been introducing privileged resolutions of inquiry on a regular basis.



[1131175]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

-----X
ROBERT F. DRINAN, MICHAEL J. HARRING- :
TON, JOHN JOSEPH MOAKLEY, BELLA S. AB- :
ZUG, HERMAN BADILLO, GEORGE E. BROWN, :
JR., YVONNE B. BURKE, BOB CARR, RONALD :
V. DELLUMS, DON EDWARDS, DONALD M. FRA- :
SER, KEN HECHLER, HENRY HELSTOSKI, GEORGE :
MILLER, RICHARD L. OTTINGER, FREDERICK W. :
RICHMOND, BENJAMIN S. ROSENTHAL, EDWARD :
R. ROYBAL, JOHN F. SEIBERLING, FORTNEY :
H. STARK, HENRY A. WAXMAN, and DAVID E. :
LOWRY, on his own behalf, and on behalf :
of all others similarly situated, :

Plaintiffs, :

v. :

GERALD R. FORD, individually and in his :
capacity as President of the United States; :
JAMES R. SCHLESINGER, individually and in :
his capacity as Secretary of Defense; JOHN :
L. McLUCAS, individually and in his capacity :
as Secretary of the Air Force; HENRY A. KIS- :
SINGER, individually and in his capacity as :
Secretary of State, and JOHN GUNTHER DEAN, :
individually and in his capacity as United :
States Ambassador to Cambodia; WILLIAM L. :
COLBY, individually and in his capacity as :
Director of the Central Intelligence Agency, :

Defendants. :

VERIFIED
COMPLAINT

Civ. Act. No.

75-426-F
(filed 1/31/75)

-----X
I. NATURE OF THE ACTION

1. Plaintiffs seek a preliminary and permanent injunction restraining defendants from carrying on military and paramilitary activities in, over, off the shores of and respecting Cambodia and from furnishing advice, support, training and intelligence to the military forces of the Lon Nol regime, on the grounds that such activities are in violation of the mandate of Congress, the Constitution of the United States, the Paris Peace Treaty and other provisions of domestic and international law. Plaintiffs also seek appropriate declaratory relief.



II. JURISDICTION

2. This is a civil action seeking a declaratory judgment pursuant to Title 28 U.S.C. §2201 et seq., and injunctive relief, pursuant to Title 28 U.S.C. §§1331(a) and 1361, adjudging that certain operations currently being conducted or planned in, over, off the shores of and respecting Cambodia under the direction of defendants are in violation of domestic and international law, and restraining defendants and their agents from engaging therein. Jurisdiction is conferred upon this Court by Title 28 U.S.C. §§1331 and 1361; Title 5 U.S.C. §§701-706; Article I, Section 8, Clause 11, Article I, Section 9, Clause 7, Article I, Section 8, Clauses 12 and 18, and Article I, Section 2, Clause 5 of the Constitution of the United States and the Fifth Amendment thereto. The matter in controversy involves rights, privileges and immunities valued in excess of \$10,000, exclusive of interest and costs.

III. PARTIES
PLAINTIFFS

3. Plaintiff ROBERT F. DRINAN is the duly elected Member of the United States House of Representatives from the Fourth Congressional District of Massachusetts, residing at 140 Commonwealth Avenue, Newton, Massachusetts.

4. Plaintiff MICHAEL J. HARRINGTON is the duly elected Member of the United States House of Representatives from the Sixth Congressional District of Massachusetts, and resides at Bayview Avenue, Beverly, Massachusetts.

5. Plaintiff JOHN JOSEPH MOAKLEY is the duly elected Member of the United States House of Representatives from the Ninth Congressional District of Massachusetts, residing at 1812 Columbia Road, South Boston, Massachusetts.

6. The above-named plaintiffs, all Members of the House of Representatives from the District of Massachusetts, are joined in this action by the following duly elected Members of Congress from across the Nation:

BELLA S. ABZUG, representing the Twentieth Congressional District of New York;

HERMAN BADILLO, representing the Twenty-first Congressional District of New York;

GEORGE E. BROWN, JR., representing the Thirty-eighth Congressional District of California;

YVONNE B. BURKE, representing the Thirty-seventh Congressional District of California;

BOB CARR, representing the Sixth Congressional District of Michigan;

RONALD V. DELLUMS, representing the Seventh Congressional District of California;



DON EDWARDS, representing the Ninth Congressional District of California;

DONALD M. FRASER, representing the Fifth Congressional District of Minnesota;

KEN HECHLER, representing the Fourth Congressional District of West Virginia;

HENRY HELSTOSKI, representing the Ninth Congressional District of New Jersey;

GEORGE MILLER, representing the Seventh Congressional District of California;

RICHARD L. OTTINGER, representing the Twenty-fourth Congressional District of New York;

FREDERICK W. RICHMOND, representing the Fourteenth Congressional District of New York;

BENJAMIN S. ROSENTHAL, representing the Eighth Congressional District of New York;

EDWARD R. ROYBAL, representing the Thirtieth Congressional District of California;

JOHN F. SEIBERLING, representing the Fourteenth Congressional District of Ohio;

FORTNEY H. STARK, representing the Eighth Congressional District of California.

HENRY A. WAXMAN, representing the Twenty-fourth Congressional District of California.

7. The above-named plaintiffs, hereinafter referred to as "CONGRESSIONAL PLAINTIFFS" have been deprived by defendants of their Constitutional and statutory right and obligation to participate, together with other Members of Congress, in deciding where and when American forces are to be committed to and involved in, hostilities; and also where, and for what purposes the funds of the



Complete record
for trial app up
93-

United States Treasury are to be appropriated. By the illegal act
of defendants complained of herein, the legislation which they en-
acted, together with over a majority of the Members of Congress,
has been and continues to be rendered a nullity, in whole and/or
in part. They have a right to compliance, by the executive branch,
with their lawful mandate, and are entitled to a determination as
to the illegality of defendants' actions complained of herein,
under their Constitutional duty to determine whether a resolution
of impeachment is called for, and also to prohibitory injunctive
relief against defendants to effectuate, as swiftly as possible,
their lawful mandate.

Advisory
Opinion

8. DAVID E. LOWRY, is a Private First Class, resides at
1550 Worcester Road, Framingham, Massachusetts, and is presently
serving in the United States Marines, attached to the Second Marine
Air Wing at Cherry Point, North Carolina. He is trained as an elec-
trician to work on aviation support equipment. Plaintiff LOWRY be-
lieves that defendants' activities complained of herein are illegal
that they perpetuate and cause to be escalated American military
involvement in the civil war in Cambodia, and that if forced to
participate directly or indirectly therein, he may be deprived of
life or liberty without due process of law, either by being killed
or taken prisoner in the course of carrying out illegal military
operations, or by being disciplined for disobeying an illegal or-
der. Plaintiff LOWRY sues on his own behalf and on behalf of all
those similarly situated.



DEFENDANTS

9. Defendant GERALD R. FORD is the President of the United States and Commander in Chief of the Armed Forces, and in these capacities, it is his duty "to take care that the laws be faithfully executed" and he is responsible for all the actions of all the defendants and their agents.

10. Defendant JAMES R. SCHLESINGER is the Secretary of Defense and is the official responsible for the conduct of the Armed Forces of the United States.

11. Defendant JOHN L. McLUCAS is the Secretary of the Air Force and, in that capacity, is the civilian official directly responsible for and in control of the operations being conducted by the United States Air Force in Southeast Asia.

12. Defendant HENRY A. KISSINGER is the Secretary of State, and in that capacity is responsible for the conduct of the foreign affairs of the Nation, and the operations of the foreign service.

13. Defendant JOHN GUNTHER DEAN is the United States Ambassador to Cambodia, and in that capacity is responsible for the execution of United States policy toward Cambodia and for the conduct of all official United States personnel in Cambodia.

14. Defendant WILLIAM F. COLBY is the Director of the Central Intelligence Agency and in that capacity is responsible for the conduct of all CIA personnel in and with respect to Cambodia.

IV. CLASS ACTION ALLEGATIONS

15. Plaintiff DAVID E. LOWRY sues pursuant to Rule 23(a) and (b)(2), on his own behalf and on behalf of all other members of the United States service similarly situated, who, by virtue of the continued and escalating involvement of the United States in the hostilities in Cambodia are threatened with being ordered to



serve or assist, directly or indirectly, in the illegal and unconstitutional activities of the defendants respecting the civil war in Cambodia, which eventuality would put their life, limb, and liberty in jeopardy without due process of law and would expose them to punishment in violation of due process of law should they refuse to carry out such illegal and unconstitutional orders. The class represented by the plaintiff is so numerous that joinder of all members is impracticable; there are questions of law and fact common to the class. The claims or defenses of the plaintiff are typical of the claims and defenses of the class; the plaintiff will fairly and adequately protect the interests of the class. Defendants have acted on grounds generally applicable to the class, thereby making appropriate final injunctive and corresponding declaratory relief with respect to the class as a whole.

V. THE INCIDENTS AT ISSUE

16. On February 27, 1973, the United States signed, in Paris, the Agreement On Ending The War And Restoring Peace in Vietnam, (hereinafter "Paris Agreement"), Article 20(b) of which obliges the United States to put an end to all military activities in Cambodia.

17. Notwithstanding the Paris Agreement, a civil war has been and continues to be waged in Cambodia, respecting which hostilities the forces of the Lon Nol regime receive massive military and paramilitary assistance from the United States by and through the servants, agents and employees of the defendants.

18. In a series of enactments both prior and subsequent to February 27, 1973, the Congress of the United States has manifested its unequivocal intent to prohibit the direct or indirect involvement of the United States in the Cambodian civil war, whether in a combat, combat-support or advisory capacity.

19. Nevertheless, on information and belief, the defendants, their agents, servants and employees and those acting in concert with, under the direction or with the assistance of the aforesaid, are engaged in combat, combat-support, and strategic and intelligence activities in, over, from off the shores of and respecting Cambodia and are sustaining, advising and directing the operations of the armed forces of the Lon Nol regime on a day-to-day basis. On information and belief, such activities include but are not limited to the following activities.

(a) Planning and preparation for execution of an emergency contingency plan to utilize the United States Air Force, its personnel and resources to carry out a massive airlift of military and other supplies to Phnom Penh and other embattled areas along the Mekong River, should the



present supply missions prove inadequate to sustain the Lon Nol regime. (Exhibit A, to affidavit of Peter Weiss filed in support of Plaintiffs Order to Show Cause, (hereinafter "Weiss Affidavit)).

(b) Financing, directing and controlling a secret mission code-named Operation SCOOT (Support for Cambodia out of Thailand) which coordinates flights of United States cargo planes to resupply Lon Nol troops in Cambodia. These flights involve both United States Air Force and other military personnel directly and indirectly; and since October, 1974 are also being carried on by so-called "civilian companies", which airlift supplies daily in and around Phnom Penh, Neak Luong and other areas of Cambodia under siege. The "civilian companies", one of which is known as "Bird Air," carry out missions under contract with and under direction and control of defendants, their servants, employees and agents, utilize repainted Air Force transport planes provided by defendants and former Air Force officers as pilots, and as such are acting as agents of the defendants. The flight operations described in this paragraph have involved the loss of life and injury to an unknown number of military and "civilian" personnel. Combat pay or a stipend for special hazardous operations is paid to the military and civilian personnel involved. (See Exhibits A, B, C, D, E, F, and G.)

(c) Frequent daily aerial reconnaissance missions by U.S. Air Force planes and pilots stationed in Thailand. These flights collect strategic information concerning the circumstances of hostilities, including but not limited to the deployment of troops and



movement of supplies, targets for and results of bombing sorties. The flights are made over areas and under circumstances where hostilities are raging or imminent, and some planes have returned from missions over Cambodia with battle damage, and special combat pay is given to the military personnel involved in these reconnaissance missions. (See Exhibits B, H, I, J, and K attached to Weiss Affidavit).

(d) Collecting, on a daily basis, by means of aerial reconnaissance and other means of intelligence information concerning the hostilities, analyzing the information and passing the results of such analysis on to the United States Embassy in Phnom Penh and to the forces of the Lon Nol regime, such results including, but not limited to, recommendations for bombing targets, information concerning the effects of the bombing carried out in response thereto, and other information and recommendations concerning the movement of ground and naval troops and resupply needs and missions. (See Exhibits B, H, I, J, K and L attached to Weiss Affidavit).

(e) Furnishing from the United States Embassy in Phnom Penh by defendant DEAN and his subordinates, at the mission and in the field, strategic military and technical advice to Cambodian troops on a continual basis. (See Exhibits B, L and M attached to Weiss Affidavit).

(f) Directing, coordinating, advising, training, and accompanying in the field military ground operations of the Lon Nol forces, including rocket attacks on enemy supply lines, coordinating local air strikes and local defensive and offensive maneuvers.



(g) Conducting off-shore marine and naval maneuvers which provide support for ground and air attacks.

20. United States involvement in the Cambodian civil war is, on information and belief, not marginal.

21. On information and belief, the combination of activities orchestrated and carried out by the defendants, their servants, agents and employees and those acting in concert with them and under their direction and control, as heretofore alleged in paragraphs 19-20 and as yet to be discovered and revealed, constitute continuing and escalating direction, control, sustenance of and involvement in the civil war in Cambodia on behalf of the Lon Nol regime. (See Exhibits A through P attached to Weiss Affidavit)..

22. In a series of enactments, the Congress of the United States has also manifested its unequivocal intent to limit the direct or indirect involvement in and support of the Lon Nol regime by the United States, to wit, by limiting in the Foreign Assistance Act of 1971, 22 U.S.C. §2146, to 200, the number of United States personnel who may be present in or over Cambodia at any one time and to 85 the number of non-United States or Cambodian citizens in Cambodia who may be compensated in whole or in part, directly or indirectly out of United States funds.

23. Nevertheless, defendants have, on information and belief:

(a) maintained and do maintain more than 200 United States personnel at the Embassy in Phnom Penh and in
other parts of Cambodia and have engaged and continue to engage in the subterfuge of transferring United States personnel in and out of Cambodia for brief periods of time



contracting for the services of United States civilians not in the formal employ of defendants in an attempt to evade the legal limit. (See Exhibits G and L attached to Weiss Affidavit).

(b) provided compensation and allowances, in whole and in part, directly and indirectly, for more than 85 nationals of countries other than the United States and Cambodia, among the tasks of such individuals being to staff commercial convoys of vessels numbering up to 30, which cross into Cambodia from Vietnam and attempt to break through the present blockade of the Mekong River and deliver supplies to embattled Lon Nol forces along the route and in Phnom Penh. (See Exhibit P, attached to Weiss Affidavit).

24. On information and belief, the-aforescribed economic and military assistance to the Lon Nol regime, including financing of activities, programs and supplies, and providing personnel, expert and otherwise, is essential to the maintenance of the Lon Nol regime, against the will of the people of Cambodia, without which regime the hostilities, involving United States personnel and assistance on a continuing basis, as heretofore alleged, would cease.

25. Information concerning the full and complete scope of United States military and paramilitary operations, in, over, from off the shores of and respecting Cambodia, is limited because, on information and belief, bona fide news media correspondents have been denied through acts of omission and commission of the defendants, their servants, agents, employees and other persons acting



In concert with them and on behalf of foreign governments, regular access, in whole or in part, to military bases which were constructed or are being maintained or operated with U.S. funds, and from which personnel of the United States carry out military operations, among these being the Udorn Air Force Base in Thailand and the aircraft landing area in Cambodia, which is being used for the "civilian" airlift of supplies to Lon Nol forces in and around Phnom Penh. (See Exhibits B and D, attached to Weiss Affidavit).



VI. CAUSES OF ACTION

FIRST CAUSE OF ACTION

26. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 - 25.

27. Defendants' actions in financing and carrying on military and paramilitary activities in, over, from off the shores of and respecting Cambodia, and furnishing direction, advice, support, training and intelligence to the military forces of the Lon Nol regime, have not been authorized by Congress.

28. Defendants' aforesaid activities are all being conducted in violation of specific Congressional prohibitions, and are in violation of Article I, Section 8, Clause 11 of the Constitution, which confers exclusive power to authorize war upon the Congress.

29. Wherefore the aforesaid activities of defendants are illegal and unconstitutional.

SECOND CAUSE OF ACTION

30. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 - 29.

* 31. Defendants' actions in financing, directly or indirectly, military and paramilitary activities in, over, from off the shores of and respecting Cambodia, and furnishing direction, advice, support, training and intelligence to the military forces of the Lon Nol regime, have been specifically prohibited by Congress.

32. Defendants' aforesaid activities are all being financed and conducted in violation of specific Congressional prohibitions and are in violation of Article I, Section 9, Clause 7; and Article I, Section 7, Clause 1, which confer upon the Congress exclusive power to appropriate monies for use by the Executive generally and with respect to the



Armed Forces of the United States.

33. Wherefore, the aforesaid activities of defendants are illegal and unconstitutional.

THIRD CAUSE OF ACTION

34. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 - 33.

35. The aforesaid acts of defendants complained of constitute both the introduction of United States ground combat troops into Cambodia and the provision of United States advisors to or for military, paramilitary, police, or the security or intelligence forces.

36. The Special Foreign Assistance Act of 1971, 22 U.S.C. §2411n provides:

Section 7 of Pub. L. 91-652, as amended by Pub. L. 92-226, Pt. IV §408, Feb. 7, 1972, 86 Stat. 35 provided that:

"(a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisors to or for military, paramilitary, police, or other security or intelligence forces in Cambodia.

"(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense."

37. Wherefore, the aforesaid acts of defendants complained of constitute a violation of the Special Foreign Assistance Act of 1971, 22 U.S.C. §2411n.

FOURTH CAUSE OF ACTION

38. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 - 37.

39. The aforesaid acts of defendants complained of involve the use of funds to finance military or paramilitary operations by



the United States.

40. Section 30 of the Foreign Assistance Act of 1973, 22 U.S.C. §2151n, provides:

No funds authorized or appropriated under this or any other law may be expended to finance military or paramilitary operations by the United States in or over Vietnam, Laos, or Cambodia.

41. Wherefore, the aforesaid acts of defendants complained of constitute a violation of Section 30 of the Foreign Assistance Act of 1973, 22 U.S.C. §2151n.

FIFTH CAUSE OF ACTION

42. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 - 41.

43. The acts of defendants complained of involve the expenditure of funds to finance, directly or indirectly, combat activities by United States military forces in, over, from off the shores of and respecting Cambodia.

44. Section 108 of the Continuing Appropriations Act of 1974, P.L. 93-52, 87 Stat. 134 provides:

Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia.

45. Wherefore, the acts of defendants complained of constitute a violation of the Continuing Appropriations Act of 1974, P.L. 93-52, 87 Stat. 130.

SIXTH CAUSE OF ACTION

46. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 - 45.

47. Section 307 of the Second Supplemental Appropriations Act of 1973, P.L. 93-50, 87 Stat. 99, provides as follows:

None of the funds herein appropriated under this Act may be expended to support directly or indirectly



combat activities in or over Cambodia, Laos, North Vietnam and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated, under any other act may be expended for such purposes.

48. Wherefore, the acts of defendants complained of constitute a violation of Section 307 of the Second Supplemental Appropriations Act of 1973, P.L. 93-50, 87 Stat. 99.

SEVENTH CAUSE OF ACTION

49. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 - 48.

50. Section 806 of the Department of Defense Appropriations Authorization Act of 1974, P.L. 93-155, 87 Stat. 605, provides:

Sec. 806. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia, unless specifically authorized hereafter by the Congress.

51. Congress has not, since the enactment of the aforesaid Appropriations Act of 1974 specifically authorized the commitment or expenditure of any funds to finance the involvement of United States military forces in hostilities in or over or from off the shores of Cambodia.

52. Wherefore, the acts of defendants complained of are in violation of Section 806 of the Department of Defense Appropriations Act of 1974, P.L. 93-155, 87 Stat. 605.

EIGHTH CAUSE OF ACTION

53. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 - 53.

54. Section 13 of the Department of State Appropriation Act of 1973, P.L. 93-126, provides in pertinent part:

Notwithstanding any other provision of law, on

or after August 15, 1973, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress.

55. Congress has not since the enactment of the aforesaid Department of State Appropriations Act of 1973 specifically authorized the commitment or expenditure of any funds to finance the involvement of United States military forces in hostilities in or over or from off the shores of Cambodia.

56. Wherefore, the acts of defendants complained of are in violation of Section 13 of the Department of State Appropriation Act of 1973, P.L. 93-126.

NINTH CAUSE OF ACTION

57. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 - 56.

58. The Foreign Assistance Act of 1971, 22 U.S.C. §2146 provides in pertinent part:

The total number of civilian officers and employees of executive agencies of the United States Government who are citizens of the United States and of members of the Armed Forces of the United States (excluding such members while actually engaged in air operations in or over Cambodia which originate outside Cambodia) present in Cambodia at any one time shall not exceed two hundred.... For purposes of this section, "executive agency of the United States Government" means any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment within the executive branch of the United States Government.

59. As alleged in paragraph 23(a), the total number of United States civilian and military personnel present in Cambodia at one time has, since the passage of §2416, exceeded 200.

60. Wherefore, the acts of defendants complained of violate the Foreign Assistance Act of 1971, 22 U.S.C. §2416.



TENTH CAUSE OF ACTION

61. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 - 60.

62. The Foreign Assistance Act of 1971, 22 U.S.C. §2416, provides in pertinent part:

The United States shall not, at any time, pay in whole or in part, directly or indirectly, the compensation or allowances of more than eighty-five individuals in Cambodia who are citizens of countries other than Cambodia or the United States.

63. As alleged in paragraph 23(b), defendants are employing and compensating directly or indirectly, individuals and citizens of countries other than the United States and Cambodia, as mercenaries, to carry on supply missions and other military and paramilitary activities and the number of such individuals and citizens exceeds 85.

64. Wherefore, such acts of defendants complained of violate the Foreign Assistance Act of 1971, 22 U.S.C. §2416.

ELEVENTH CAUSE OF ACTION

65. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 - 64.

66. The Foreign Assistance Act of 1974, P.L. 93-559, Sec. 29, provides in pertinent part:

ACCESS TO CERTAIN MILITARY BASES ABROAD

Sec. 29. (a) Chapter 3 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section;

"Sec. 659. None of the funds authorized to be appropriated for foreign assistance (including foreign military sales, credit sales, and guarantees) under this Act may be used to provide any kind of assistance to any foreign country in which a military base is located if--

"(1) such base was constructed or is being maintained or operated with funds furnished by the United States; and

"(2) personnel of the United States carry out military operations from such base; unless and until the President has determined that the



government of such country has, consistent with security, authorized access, on a regular basis, to bona fide news media correspondents of the United States to such military base."

67. Cambodia and Thailand receive foreign assistance, as described in Sec. 29(a), and have located within their boundaries military bases which were constructed or are being maintained or operated with funds furnished by the United States and from which personnel of the United States carry out military operations. As heretofore alleged in paragraph 25, bona fide news media correspondents of the United States have been and are being denied, by defendants and/or representatives of foreign powers, access to such bases on a regular basis.

68. Wherefore, the acts of defendants complained of violate Section 29(a) of the Foreign Assistance Act of 1974, P.L. 93-559.

TWELFTH CAUSE OF ACTION

69. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 - 68.

70. Neither a Congressional declaration of war, a specific statutory authorization nor a national emergency as defined in 50 U.S.C. §1541 exists with respect to Cambodia.

71. Wherefore, the use and threatened increased use by defendants of United States Armed Forces, both unarmed and equipped for combat, in hostilities or in situations where imminent involvement in hostilities is clearly indicated by the circumstances in, ~~over, from, off the shores of and respecting Cambodia are in viola-~~tion of the 1973 War Powers Resolution, 50 U.S.C. §§1541-1548.

THIRTEENTH CAUSE OF ACTION

72. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 - 71.

73. On information and belief, defendant Ford as President did not consult with Congress before or since taking the aforesaid



actions with respect to Cambodia.

74. Wherefore, the aforesaid activities of defendants are in violation of the 1973 War Powers Resolution, 50 U.S.C. §§1541-1548.

FOURTEENTH CAUSE OF ACTION

75. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 - 74.

76. On information and belief, defendant Ford as President of the United States, like his predecessor Richard M. Nixon, has not submitted any report in writing, as required by 50 U.S.C. §1541, to the Speaker of the House of Representatives and to the President pro tempore of the Senate within 48 hours after taking the actions complained of, which involve introducing United States Armed Forces, both unarmed and equipped for combat, into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

77. Wherefore, defendant Ford's aforesaid failure to report is a violation of the 1973 War Powers Resolution, 50 U.S.C. §§1541-1548 and specifically §1543.

FIFTEENTH CAUSE OF ACTION

78. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 - 77.

79. Article 20(b) of the Agreement On Ending the War and Restoring Peace in Vietnam obliges the United States to cease military activities in Cambodia.

80. Wherefore, the actions of defendants complained of violate the aforementioned treaty provision.

81. Plaintiffs have no adequate remedy at law. Unless and until this Court issues a preliminary and permanent injunction restraining defendants from the complained of activities, plaintiffs will suffer irreparable injury.

VII. RELIEF

WHEREFORE, plaintiffs respectfully request that the following relief be granted:

1. That the Court issue a declaratory judgment that the defendants' contingency plan to finance and/or employ the United States Air Force or any other branch of the United States Armed Forces, its agents, employees or servants, and equipment and material to airlift or otherwise transport supplies to Phnom Penh, Neak Luong or any other embattled area in Cambodia, without prior Congressional authorization is in violation of:

- a) Article I, Section 8, Clause 11 of the United States Constitution;
- b) Article I, Section 9, Clause 7 and Article I, Section 7, Clause 1 of the United States Constitution;
- c) Section 7(a) of the Special Foreign Assistance Act of 1971, 22 U.S.C. §2411 n;
- d) Section 307 of the Foreign Assistance Act of 1973, 22 U.S.C. §2151 n;
- e) Section 108 of the Continuing Appropriations Act of 1974, P.L. 93-52, 87 Stat. 134;
- f) Section 307 of the Second Supplemental Appropriations Act of 1973, P.L. 93-50, 87 Stat. 99;
- g) Section 806 of the Department of Defense Appropriation Authorization Act of 1974, P.L. 93-155, 87 Stat. 605;
- h) Section 13 of the Department of State Appropriation Authorization Act of 1973, P.L. 93-126;
- i) the Foreign Assistance Act of 1971, 22 U.S.C. §2416;
- j) the Foreign Assistance Act of 1974, P.L. 93-559, Sec. 29(a);
- k) the 1973 War Powers Resolution, 50 U.S.C. §§1541, et seq.; and
- l) the Agreement On Ending The War And Restoring Peace In Vietnam.

2. That this Court issue a declaratory judgment that defendants' actions in carrying on military and paramilitary activities,



in, over, off the shores of and respecting Cambodia and furnishing direction, advice, support, training and intelligence to the military forces of the Lon Nol regime and that the commitment and expenditure of funds in connection with the foregoing are in violation of:

- a) Article I, Section 8, Clause 11 of the United States Constitution;
- b) Article I, Section 9, Clause 7 and Article I, Section 7, Clause 1 of the United States Constitution;
- c) Section 7(a) of the Special Foreign Assistance Act of 1971, 22 U.S.C. §2411n;
- d) Section 307 of the Foreign Assistance Act of 1973, 22 U.S.C. §2151n;
- e) Section 108 of the Continuing Appropriations Act of 1974, P.L. 93-52, 87 Stat. 134;
- f) Section 307 of the Second Supplemental Appropriations Act of 1973, P.L. 93-50, 87 Stat. 99;
- g) Section 806 of the Department of Defense Appropriation Authorization Act of 1974, P.L. 93-155, 87 Stat. 605;
- h) Section 13 of the Department of State Appropriation Authorization Act of 1973, P.L. 93-126;
- i) the Foreign Assistance Act of 1971, 22 U.S.C. §2416;
- j) the Foreign Assistance Act of 1974, P.L. 93-559, Sec. 29(a);
- k) the 1973 War Powers Resolution, 50 U.S.C. §§1541, et seq.; and
- l) the Agreement On Ending The War And Restoring Peace In Vietnam.

3. That this Court preliminarily and permanently enjoin the defendants from employing the United States Air Force or any other branch of the United States Armed Forces, its agents, employees, servants and equipment and materiel to airlift or otherwise transport supplies to Phnom Penh, Neak Luong or any other embattled area in Cambodia without prior Congressional authorization.

4. That this Court preliminarily and permanently enjoin the defendants from carrying on military and paramilitary activities in, over, off the shores of and respecting Cambodia and furnishing direction, advice, support, training and intelligence to the mili-



tary forces of the Lon Nol regime.

5. That this Court preliminarily and permanently enjoin the defendants from committing or expending, without prior specific authorization by Congress funds to carry on military and paramilitary activities in, over, off the shores of and respecting Cambodia and furnishing direction, advice, support, training and intelligence to the military forces of the Lon Nol regime.

6. That this Court preliminarily and permanently enjoin the defendants from violating, overtly or covertly, directly or indirectly, the ceiling of 200 United States personnel authorized to be in Cambodia at any one time.

7. That this Court preliminarily and permanently enjoin the defendants from compensating, in whole or in part, directly or indirectly, more than 85 individuals in Cambodia who are citizens of countries other than Cambodia or the United States.

8. That this Court preliminarily and permanently enjoin the defendants to cease and desist from impeding and to assure regular access by bona fide news media correspondents of the United States to all military bases in Southeast Asia which were constructed or are being maintained or operated with funds furnished by the United States and from which United States personnel carry out military operations or in the alternative to enjoin the defendants from expending any funds appropriated for foreign assistance (including foreign military sales, credit sales, and guarantees) under the Foreign Assistance Act of 1974, to assist any country of Southeast Asia, wherein access to military bases as heretofore described is not guaranteed.

9. Grant such other and further relief as to this Court may appear proper and just, including reasonable costs and attorney's fees.



tary forces of the Lon Nol regime.

5. That this Court preliminarily and permanently enjoin the defendants from committing or expending, without prior specific authorization by Congress funds to carry on military and paramilitary activities in, over, off the shores of and respecting Cambodia and furnishing direction, advice, support, training and intelligence to the military forces of the Lon Nol regime.

6. That this Court preliminarily and permanently enjoin the defendants from violating, overtly or covertly, directly or indirectly, the ceiling of 200 United States personnel authorized to be in Cambodia at any one time.

7. That this Court preliminarily and permanently enjoin the defendants from compensating, in whole or in part, directly or indirectly, more than 85 individuals in Cambodia who are citizens of countries other than Cambodia or the United States.

8. That this Court preliminarily and permanently enjoin the defendants to cease and desist from impeding and to assure regular access by bona fide news media correspondents of the United States to all military bases in Southeast Asia which were constructed or are being maintained or operated with funds furnished by the United States and from which United States personnel carry out military operations or in the alternative to enjoin the defendants from expending any funds appropriated for foreign assistance (including foreign military sales, credit sales, and guarantees) under the Foreign Assistance Act of 1974, to assist any country of Southeast Asia, wherein access to military bases as heretofore described is not guaranteed.

9. Grant such other and further relief as to this Court may appear proper and just, including reasonable costs and attorney's fees.



Respectfully submitted,

Rhonda Copelon
Peter Weiss

PETER WEISS

RHONDA COPELON

DORIS PETERSON

c/o Center for Constitutional Rights

853 Broadway

New York, New York 10003

(212)674-3303

NANCY GERTNER

217 Lewis Wharf

Boston, Massachusetts

(617)723-2624

Attorneys for Plaintiffs

Dated: New York, New York
January 31, 1975



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

-----X
ROBERT F. DRINAN, et al., :

Plaintiffs, :

v. :

VERIFICATION

GERALD R. FORD, et al., :

Defendants. :
-----X

State of New York) ss.:
County of New York)

RHONDA COPELON, being duly sworn, deposes and says:

1. I am one of counsel in the above-captioned matter.
2. I have read the foregoing complaint and know the contents thereof and that the same are true of my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters, I believe them to be true.
3. I make this verification in lieu of plaintiffs in this action because no plaintiff is presently accessible to counsel or available in the present District to make this verification at this time.

Rhonda Copelon

RHONDA COPELON

Sworn to before me this 31st

day of January, 1975.

Elizabeth Fogelberg

NOTARY PUBLIC

ELIZABETH FOGELBERG
NOTARY PUBLIC, State of New York
No. 32-1511007
Qualified in New York County
Commission Expires March 30, 1975



~~SECRET~~

Results of Member notification of Naval Evacuation of Refugees in Vietnam 3/29/75

Speaker Carl Albert	- Cabled Message to U.S. Mission in Peking, China for delivery to Speaker.
John Rhodes	- Cabled message to U.S. Mission in Peking, China for delivery to Mr. Rhodes.
Tip O'Neill John Anderson	- Cabled Message to U.S. Embassy, Athens, Greece for delivery to Mr. O'Neill and Mr. Anderson
John McFall	- Telephoned by Vern Loen and McFall suggested that George Meany, as result of talk with John Murtha, would support limited aid to Vietnam with cut off date and recommended that President call Meany.
Thomas Morgan	- Chairman - Committee on International Relations Telephoned by Leppert. Morgan stated he saw no problem with President's action.
William Broomfield	- Ranking Minority Member, Committee on International Relations. Out of contact due to death of father. Vern Loen telephoned message to his secretary.
Mel Price Bob Wilson	- Chairman and Ranking Minority Member - Armed Services Committee Cabled to U.S. Embassy, Athens, Greece.
George Mahon	- Chairman, Committee on Appropriations Telephoned by Vern Loen. Mahon approved President's action.
Elford Cederberg	- Ranking Minority Member, Committee on Appropriations Telephoned by Leppert. Out of contact and left message with his Administrative Assistant, Mike Forgash.
Bob Michel	- Minority Whip. Telephoned by Leppert, phone out of order, left message with his secretary, Sharon Yard.
Jack Edwards	- Ranking Minority Member, Subcommittee on Defense Appropriations Telephoned by Vern Loen. Edwards was non-committal.

Determined to be an administrative marking
Cancelled per E.O. 12356, Sec. 1.3 and
Archivist's memo of March 16, 1983

By DND NARS date 6/15/82



The President wanted me to advise you of the following:

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

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



THE WHITE HOUSE

WASHINGTON

March 31, 1975

MEMORANDUM FOR THE FILE

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

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

Robert K Wolthuis

Robert K Wolthuis



[3/29/75]

Message to Congressional Leaders, including Chairman and Ranking
Minority Members

The President wanted me to advise you of the following:

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

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

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



Message to Congressional Leaders, including Chairman and Ranking
Minority Members

The President wanted me to advise you of the following:

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

1. The President has ordered U. S. participation in a naval evacuation effort off the coast of Viet-Nam to assist in the transport of refugees.
 2. Our participation in the refugee evacuation is part of an international humanitarian relief effort. At this point a number of countries, including Australia, the United Kingdom, the Republic of China and the Republic of the Philippines are also expected to participate.
 3. United States naval vessels, principally consisting of transport ships, will enter Viet-Nam waters in order to pick up refugees being ferried out from the coast. I am advised, however, our vessels will stand off shore, and not participate in hostilities.
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/s/ John O. Marsh, Jr.
Counsellor to the President



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Minority Members

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3. United States naval vessels, principally consisting of transport ships, will enter Viet-Nam waters in order to pick up refugees being ferried out from the coast. I am advised, however, our vessels will stand off shore, and not participate in hostilities.
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/s/ John O. Marsh, Jr.
Counsellor to the President



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

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

Responses to Further Questions

Q: Is this consultation under the War Powers Resolution?

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

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

Q: Will the ships fire back if fired upon?

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

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

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

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

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

