<table>
<thead>
<tr>
<th>Time (eastern daylight)</th>
<th>Principals involved</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/12/75 4:30 p.m.</td>
<td>Ocean Affairs Branch, Naval Operations</td>
<td>Additional information became available to Ocean Affairs which dictated increasing the distance in the text for staying off the Cambodian coast. The recommendation was passed to the Maritime Affairs office.</td>
</tr>
<tr>
<td>5:00 p.m.</td>
<td>Maritime Affairs Office, State Department</td>
<td>A Maritime Affairs official discussed extension of the standoff distance with State’s Geographer to determine whether a 30- to 35-mile range would give mariners a navigational problem.</td>
</tr>
<tr>
<td>6:30 p.m.</td>
<td>DMAABC</td>
<td>A Maritime Affairs official finished coordinating and clearing language of the special warning within State and Ocean Affairs Branch. At that time he telephoned a DMAABC official and dictated the final draft of the special warning to him.</td>
</tr>
<tr>
<td>6:30 p.m. to 7:05 p.m.</td>
<td>DMAABC</td>
<td>The DMAABC official typed the message text, verified it with Maritime Affairs, and carried it downstairs to the Naval Oceanographic Office’s message center.</td>
</tr>
<tr>
<td>9:27 p.m.</td>
<td>Naval Oceanographic Office</td>
<td>The Oceanographic Office’s communication center transmitted the message to Navy radio stations broadcasting HYDROGrafic warnings.</td>
</tr>
<tr>
<td>10:23 p.m.</td>
<td>Naval Oceanographic Office</td>
<td>The Oceanographic Office’s communication center transmitted the message to Navy radio stations broadcasting HYDROGrafic warnings. This was in time for broadcast to U.S. mariners on the 12:30 a.m. hydrographic broadcast.</td>
</tr>
<tr>
<td>10:25 p.m.</td>
<td>Communications Center, State Department</td>
<td>A copy of special warning 45 was received at State’s communications center.</td>
</tr>
<tr>
<td>5/13/75 12:30 a.m.</td>
<td>Navy radio stations</td>
<td>Special Warning 45 was broadcast to U.S. mariners over the hydrographic system.</td>
</tr>
</tbody>
</table>
APPENDIX IV

DEPARTMENT OF STATE
Washington, D.C. 20520

DEC 11 1975

Mr. J. K. Fasick
Director
International Division
U. S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Fasick:

I am replying to your letter of November 11, 1975, which forwarded copies of the draft report: "Seizure of the USS Mayaguez and the System to Warn U.S. Mariners of Potential Political/Military Hazards."

The enclosed comments and list of proposed corrections to the draft report were prepared by the Acting Deputy Assistant Secretary for Transportation and Telecommunications, Bureau of Economic and Business Affairs.

We appreciate having had the opportunity to review and comment upon the draft report. If I may be of further assistance, I trust you will let me know.

Sincerely,

Daniel L. Williamson
Deputy Assistant Secretary for Budget and Finance

Enclosures:

1. Comments
2. List of proposed corrections.
APPENDIX IV

Enclosure 1

Department of State Proposed Corrections

to the GAO Draft Report

Page 1 - Change last sentence of paragraph 4 to read: "A memorandum circulated from the Office of Maritime Affairs to the Department of State's Regional Bureaus in February 1972 (Annex 1 to Enclosure 3) outlined maritime warning procedures. It is not possible to determine whether the memorandum was definitive enough in its instructions; nor is it possible to determine whether the memorandum was circulated internally by the geographic bureaus. In any case, even though the memorandum existed, there was no issuance of a warning prior to the seizure of the Mayaguez. Maritime warnings requiring State Department action have been relatively rare. The previously reported incidents of Cambodian harassment of two foreign vessels (not normally involved in long-standing local disputes in the area) were not brought to the timely attention of the Office of Maritime Affairs. However, these incidents were of brief duration and involved no reported loss of life or property. It was not readily apparent to those throughout the government who were aware of these incidents that American ships happening to pass in the area might be in any danger." [GAO comment: See p. 4.]

Page 1 - (See GAO note 2, p. 39.)

Page 2 - (See GAO note 2, p. 39.)
APPENDIX IV

Page 3 - (See GAO note 2, p. 39.)

Page 4 - (See GAO note 2, p. 39.)

Page 5 - (See GAO note 2, p. 39.)

Page 6 - Recommend the following rewrite of second and third sentences, second full paragraph: "Moreover, the only statement outlining the procedures for Special Warnings was contained in an internal memorandum (Régim memorandum of 1972) to four geographic bureaus on what procedures to follow for warnings to U.S. merchant ships at sea. A copy of that memorandum was in the file "SPECIAL WARNINGS TO MARINERS" in the Office of Maritime Affairs and was used as a guideline for action taken when the Office was first apprised of the Mayaguez incident at 0915, May 12, 1975." [GAO comment: See p. 4.]

Page 8 - (See GAO note 2, p. 39.)

Page 9 - (See GAO note 2, p. 39.)
APPENDIX IV

Page 9 - (See GAO note 2, p. 39.)

Page 9 - (See GAO note 2, p. 39.)

Page 9 - (See GAO note 2, p. 39.)

Page 10 - (See GAO note 2, p. 39.)

Page 10 - (See GAO note 2, p. 39.)

Page 12 - Change first sentence, paragraph 2, to read: "A Maritime Affairs official read a draft of the proposed Special Warning to the Naval Operations Ocean Affairs office between 10:00 and 11:00 a.m. and requested that office to get immediate "in-house" clearances and call the Maritime Affairs office when they were obtained." [GAO comment: This statement varies slightly from the chronology provided by other agencies. See pp. 9 and 28.]

Page 12 - (See GAO note 2, p. 39.)

Page 13 - (See GAO note 2, p. 39.)

Page 13 - (See GAO note 2, p. 39.)

Page 15 - (See GAO note 2, p. 39.)
APPENDIX IV

Page 17 - Change first sentence under State Department (bottom of Page 17) to read: "Prior to the Mayaguez seizure, a memorandum (the Rein memorandum) had been circulated from the Office of Maritime Affairs to the Department of State's Regional Bureaus in February 1972 outlining maritime warning procedures. It is not possible to determine whether the memorandum was definitive enough in its instructions; nor is it possible to determine whether the memorandum was circulated internally by the geographic bureaus. In any case, even though the memorandum existed, there was no issuance of a warning prior to the seizure of the Mayaguez."

[GAO comment: See p. 4.]

Page 18 - (See GAO note 2, p. 39.)

Page 18 - (See GAO note 2, p. 39.)

Page 18 - (See GAO note 2, p. 39.)

Page 18 - (See GAO note 2, p. 39.)

[17] Page 22 - Change line 7 to read "...that the Department's Operations Center and Bureau for Intelligence...."

[GAO comment: Our emphasis is on intelligence source material.]

Page 22 - (See GAO note 2, p. 39.)

Page 31 - (See GAO note 2, p. 39.)

Page 32 - (See GAO note 2, p. 39.)

Page 32 - (See GAO note 2, p. 39.)

Page 35 - (See GAO note 2, p. 39.)
APPENDIX IV

Enclosure 2

Department of State Comments on EAO
Conclusions and Recommendations

Conclusion

The Draft Report concludes on Page 7 that "the responsibility for issuing special warnings had not been formalized in any type of interagency agreement."

Comment

The Department of State agrees that this responsibility had not been formalized on an interagency basis beyond the point of a determination made by State, Navy, the Maritime Administration, and Navy Hydrographic Office officials that such a warning system was required. The Department's reaction to this is covered further on in our comments on the recommendations.

Conclusion

The Draft Report concludes on Page 7 that "there were no written criteria and guidelines setting forth the conditions and circumstances necessitating issuance of a special warning."

Comment

The Department of State notes that a memorandum was circulated from the Office of Maritime Affairs to the Department of State's Regional Bureaus in February 1972 outlining maritime warning procedures. It is not possible to determine whether the memorandum was definitive enough in its instructions; nor is it possible to determine whether the memorandum was circulated internally by the geographic bureaus. In any case, there was no issuance of a warning prior to the seizure of the Mayaguez. Maritime warnings requiring State Department action have been relatively rare. The previously reported incidents of Cambodian harassment of two foreign vessels (not normally involved in long-standing local disputes in the area) were not brought to the timely attention of the Office of Maritime Affairs. However, these incidents were of brief duration and involved no reported loss of life or property. It was not readily apparent to those throughout the government who were aware of these incidents that American ships happening to pass in the area might be in any danger."
APPENDIX IV

Conclusion

The Draft Report concludes on Page 16 that:

"We believe that if the offices responsible for issuing navigational and special warnings to U.S. mariners had known of prior incidents, and the seriousness of those incidents, some type of warnings would have been issued prior to the Mayaguez seizure."

"We believe the State Department should have responded in a more timely manner by issuing a navigational or special warning on the 12:30 p.m., May 12, hydrographic broadcast rather than 12 hours later."

"As the situation became more clearly understood, State Department could have followed its initial warning or alert with more specific information."

Comment

The Department concurs with the conclusion that had the appropriate responsible offices known of the prior incidents, some type of warning would have been issued prior to the Mayaguez incident.

Comment

Although the Department of State will, in the future, continue to avoid any unnecessary delay in sending a special warning to the DMAHC for broadcast (even if it necessitates sending an initial alert message to be followed up with more specific information), it must be noted that in the case of the Mayaguez, the need to clear and coordinate the special warning with agencies involved, including the highest levels of the National Security Council, precluded its issuance on the 12:30 p.m., May 12 hydrographic broadcast.

Recommendations

The Draft Report makes the following recommendations on Page 22:

Recommendations 1 and 2

The Secretary of State "develop criteria and guidelines regarding the situations which require a special warning"
APPENDIX IV

and those which may be covered by a regular HYDROCAP/
HYDROLANT warning."

The Secretary of State "develop internal guidelines
and instructions for issuing Special Warnings."

Comment

In addition to the existence of the Rein memoran-
dum of 1972, the Department of State has issued
since the Mayaguez seizure, memorandums dated
May 23, 1975 (Annex II to Enclosure 3), June 27, (See GAO
1975 (Annex III to Enclosure 3), and July 25, note 3,
1975 (Annex IV to Enclosure 3), notifying the recipients that they should alert the Office of
Maritime Affairs whenever certain specific types
of maritime safety-related incidents come to
their attention. The Operations Center has
incorporated the memorandum of May 23 in their
watch manual, two copies of which are kept at all
times by the watch. This manual provides the
guidance for the day-to-day functioning of the
Operations Center. A copy of how the Center
responds to Incidents at Sea is attached as
[See GAO
Note 3, p. 39.]

In addition, the Office
of Maritime Affairs has completed a document (Annex
VI to Enclosure 3) which sets forth "Procedures
within the Department of State, Office of Mari-
time Affairs, Concerning Special Warnings to
Mariners". Copies of this document were cleared
with and are held by the Bureau of Intelligence
and Research (State), the State Operations Center,
the Office of Emergency Plans within the Maritime
Administration, and the Office of CNO within the
Department of Defense. The Department is also
investigating the possibility of distributing
to all diplomatic posts a standard operating
procedure for informing the Department of situations
that may necessitate the issuance of a Special
Warning.

Recommendation 3

The Secretary of State "ensure that the Department's
Bureau of Intelligence and Research keeps Maritime
Affairs fully apprised of all intelligence matters
affecting U.S. shipping."

Comment

Both the State Operations Center and the Bureau
of Intelligence and Research have promulgated
internal instructions that insure that the Office of Maritime Affairs is apprised of intelligence matters affecting U.S. shipping.

Recommendation 4

The Secretary of State "enter into formal interagency agreements which set forth responsibilities together with criteria and guidelines".

Comment

The Department of State supports this recommendation and has initiated the formalization of such an interagency agreement with members of the National Security Council staff.

Recommendation 5

The Secretary of State "direct that the next available hydrographic broadcast, after learning of political/military incidents affecting U.S. shipping, be used to alert mariners of potential hazards. If necessary, this initial alert could be followed by more formalized language as the situation becomes clarified."

Comment

The Department of State (Office of Maritime Affairs) will incorporate this recommendation as part of its standard operating procedures in the issuance of Special Warnings.

Additional Recommendations

The Draft Report also recommended that the Secretary of State and the Secretary of Commerce jointly encourage U.S. steamship owners/operators to:

--- require their vessels to monitor at least one U.S. hydrographic broadcast each day;

--- supplement the broadcast of a U.S. Special Warning by transmitting the warning to their vessels which may be near the critical area; and

(See GAO note 2, p. 39.)
Comment

While the Department of State believes that these three recommendations are well taken, it also believes that such actions fall within the purview of the two government agencies most closely associated with their implementation -- DMAHC and the Department of Commerce (Maritime Administration). The Department does not have the facilities to invoke, monitor or enforce these recommendations.

Joel W. Biller
Acting Deputy Assistant Secretary for Transportation and Telecommunications

GAO notes: 1. The numbers in brackets refer to pages in this final report on which the matter is discussed.

2. The deleted comments pertain to matters omitted from or revised in the final report.

3. The content of these memorandums is covered on pp. 13 and 14 of this final report.
APPENDIX IV

February 9, 1972

TO: NEA - Joseph J. Sisco

FROM: E/TT - Bert W. Rain

SUBJECT: Warnings to US Flag Vessels at Sea

The attached information on the procedure for issuing broadcast warnings to vessels at sea may be of interest to desk officers within your area. Please circulate the attached as appropriate.

NOTE: Special Warnings have previously been issued in connection with events in India, Pakistan, China, Somalia, Israel and the UAR.

Attachment:

Broadcasts to US Flag Vessels at Sea

E/HA: JABarcas
APPENDIX IV

BROADCASTS TO UNITED STATES FLAG VESSELS AT SEA

On several recent occasions the Department has called upon the Naval Oceanographic Office for assistance in broadcasting warnings of various types to US flag vessels at sea. Because such requests are rare, some confusion as to the procedure involved has resulted. Officers requesting such broadcasts should keep in mind the following:

1. There are two general types of broadcasts:
   a. Navigational Warnings - Messages of this type are navigational in nature and contain information about changes in buoys, naval operations, gunnery practice, mine fields, etc. Messages of this type are fairly routine and can generally be cleared within the Naval Oceanographic Office.
   b. Special Warnings - These are more political in nature and include such things as declarations of hostilities, contraband orders, or territorial sea claims. Messages of this type are more sensitive and should be cleared in L. They also require clearances by one or more offices in the Navy Department.

2. All such requests for broadcast warnings must be cleared in E/M/A, ext. 20703, 20704, 20705. Under normal circumstances E/M/A will transmit the message to the Naval Oceanographic Office. Broadcast requests are sent by telegram with appropriate clearances, with ACTION to Naval Oceanographic Office. The SUBJECT line should read Special (or Navigational) Warning. The telegram should read "Please issue following Special (or Navigational) Warning..." followed by the text of the message in quotes.

3. Messages should be kept short and clear as they are hand copied by radio operators aboard ship.

4. Warnings are broadcast twice a day on a regular schedule. Requests for broadcasts should carry a PRIORITY precedence only. A higher precedence will not result in earlier broadcast of the message.

5. All warnings must be unclassified.

6. Info copies of the telegram should be addressed to appropriate posts.
SUBJECT: Procedures Within the Department of State, Office of Maritime Affairs, Concerning Special Warnings to Mariners

The issuance of a Special Warning message to mariners involves timely receipt and dissemination of intelligence to the appropriate decision maker who can evaluate the information in the proper context and decide whether or not to initiate a Special Warning message.

Within the DOS, the process of disseminating intelligence on a department-wide basis (including the Office of Maritime Affairs, Bureau of Economic and Business Affairs) is handled by the Bureau of Intelligence and Research (INR). The Office of Maritime Affairs receives most of its intelligence from that source. In addition, the Operations Center and INR within the Department have been notified by the Office of Maritime Affairs to alert the Office of Maritime Affairs to situations that indicate:

(a) outbreak of hostilities involving any nation with a coastline;

(b) any reports of hostile actions against military or civil shipping of any nation when it appears that the shipping was on the high seas or engaged in innocent passage through territorial waters at the time it became the victim of hostile action; or

(c) any announcements by a foreign government that it has changed the extent of its territorial sea or intends to increase the defense of its sovereignty inside its declared territorial waters.

If any of the above occur after working hours, the Operations Center has been directed to notify the Bureau of Economic and Business Affairs Duty Officer, who has instructions on the procedures for contacting someone with Maritime Affairs.

To both supplement and complement this manner of collection (i.e., information received either from INR or the Operations Center), the Office of Maritime Affairs
APPENDIX IV

has, at present, three officers cleared for access to compartmental intelligence; it receives the Foreign Broadcast Information Service messages on matters that are of interest to maritime affairs; and it receives both solicited and unsolicited information on maritime matters from other geographic and functional desks within the Department. In addition, other agencies, both public and private, inform the Office of Maritime Affairs of events it believes are of an interest to maritime matters. Since the Office of Maritime Affairs relies to a large extent on outside sources of information, it can only act once this information is received.

Upon receipt of information, the Office of Maritime Affairs discusses this information with other interested offices within the Department. The Office of Maritime Affairs then decides whether or not it should draft a warning message, have it cleared through the appropriate agencies, and then have it relayed to the Defense Mapping Agency, Hydrographic Center (DMANIC) for transmittal. This procedure in no way detracts from the fact that any agency, government or otherwise, can draft a navigational or special warning.

If this procedure is followed, the message should be cleared through the DOS. Of the 45 Special Warnings issued to date, 19 have been drafted and released by the US Navy, JCS, or other Defense agencies. In most cases, State Department clearance was obtained.

Having collected and evaluated all available information, the Office of Maritime Affairs has two basic options. It can do nothing because the event does not merit the issuance of a warning; or, it can recommend to the DMANIC the issuance of a Navigational Warning or a Special Warning. The Office considers the Navigational Warning to contain information about changes in buoy location, removal/addition of buoys, naval operations, gunnery practices, the location of minefields and other navigational matters that concern safety of life at sea. Within the context of the latter, a navigational warning would be the appropriate warning in the case where several nations, known for their mutual hostility, become involved in seizures/shootings between their respective commercial/ naval vessels. The Office considers a Special Warning to be more political in nature and would include such things as declaration of hostilities, contraband orders, territorial sea claims, and certain vessel seizures.
It must be emphasized that a number of variables must be taken into account when making a decision as to which warning should be issued -- navigational or special. Most of the warnings are recommended to be navigational warnings, saving the issuance of a Special Warning for special cases where the facts clearly dictate that one should be issued. In either case, the proposed text is cleared through appropriate State offices and also with CNO, who acts as the agent for the Department of Defense.

Once the message is drafted and cleared, the Office will either telephone the proposed message to DMAHC or send a message of the proposed text to DMAHC. The exigency of the situation dictates which procedure will be followed. If there is a need to discuss proper format or administrative procedures, these matters are discussed usually by telephone, to the mutual satisfaction of all parties.

After relaying the message to DMAHC, the Office of Maritime Affairs relays the message to the Division of Emergency Plans within the Office of Policy and Plans at the Maritime Administration.
December 22, 1975

Mr. Victor L. Lowe
Director, General Government Division
U. S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Lowe:

This is in reply to your letter of November 11, 1975, requesting comments on the draft report entitled "Seizure of the USS Mayaguez and the System to Warn U. S. Mariners of Potential Political/Military Hazards."

We have reviewed the enclosed comments of the Assistant Secretary for Maritime Affairs and believe they are responsive to the matters discussed in the report.

Sincerely,

Guy W. Chamberlin, Jr.
Acting Assistant Secretary
for Administration

Enclosure
DEC 13 1975

Mr. Victor L. Lowe
Director, General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Lowe:

I refer to your letters of November 11, 1975, addressed to the Secretary of Commerce and to me, requesting our comments of your draft report entitled, "Seizure of the SS MAJAGUZ and the System to Warn U.S. Mariners of Potential Political/Military Hazards."

(See GAO note 2, p. 39.)

The historic mission of the Department of Commerce is to "foster, promote and develop the foreign and domestic commerce" of the United States. This mission is supplemented by the provisions of the Merchant Marine Act, 1936, as amended, which furthered the development and maintenance of an adequate and well-balanced American merchant marine. It is within this context that the Maritime Administration has and will continue to exhibit leadership in those matters which affect the U.S. flag merchant shipping.

The Secretary of Commerce has authorized the Assistant Secretary for Maritime Affairs to concur in your recommendations that the Secretary of State and the Secretary of Commerce jointly encourage U.S. flag steamship operators to require their vessels to monitor at least one U.S. Hydrographic broadcast each day. The recommendation that vessels be required to acknowledge receipt of the Special Warning, if they are in the critical area, does not identify the agency which should have this responsibility. I believe that implementation of this recommendation should be considered as the exclusive responsibility of the Maritime Administration. This is particularly appropriate should a national emergency be declared. The Maritime Administration, as the National Shipping Authority, is responsible for the allocation and operation of all U.S. owned or controlled merchant shipping. This approach to the matter will also serve to remove any ambiguity concerning responsibility for positive action to achieve improved communications to and from our U.S. flag merchant ships.
APPENDIX V

As noted in the draft report, the Maritime Administration has been engaged in several activities which will enhance effective communications with U.S. flag merchant vessels at all times. In addition to the items noted in the draft report, the Maritime Administration and the Defense Mapping Agency Hydrographic Center jointly developed a procedure to be utilized in disseminating Special Warnings to U.S. merchant ships. These procedures, which will be followed by the Defense Mapping Agency Hydrographic Center when the next Special Warning is broadcast, are as follows:

a. Initial dissemination of Special Warning messages will continue by the Radio Navigational Warning System during regular scheduled broadcasts. In addition, Special Warnings will be repeated in such broadcasts twice a day for three days and then once each week on Fridays for five weeks. By that time all U.S. ships should have received a printed copy of the Special Warning by means of the Weekly Notice to Mariners.

b. Special Warnings will also be broadcast by all U.S. Coast Guard Radio Stations during their Local Radio Navigational Warning Broadcasts.

c. When a Special Warning is released by Defense Mapping Agency Hydrographic Center, through the Radio Navigational Warning System, it will also be forwarded by commercial telegram to U.S. steamship companies for their notification.

The above information (a, b, and c) has been disseminated to all U.S. flag steamship operators through our MarAd Advisory No. 75-6, dated July 25, 1975.

In view of the important nature of these Special Warnings, the effectiveness of their dissemination requires validation. Also included in the MarAd Advisory No. 75-6 was a request that all U.S. flag merchant ships (in general area of incident) acknowledge the receipt of Special Warning messages to Defense Mapping Agency Hydrographic Center through U.S. government radio facilities.

While the foregoing actions do not assure the receipt and acknowledgment of warning messages, efforts to improve on this system through the cooperation of the steamship operators, the applicable Maritime Labor Unions, and the Navy will continue. The immediate steps to be undertaken in this area by the Maritime Administration will be the issuance of a further MarAd Advisory to all U.S. flag steamship operators calling their attention to the need of copying the Radio Navigational
Warning messages and the need to acknowledge Special Warnings. It is planned to follow this Market Advisory with a meeting of the maritime industry and the Maritime Administration to further identify and define problem areas and explore potential action.

Since the Maritime Administration has a specific interest in political/military incidents that could affect U.S. flag merchant shipping, it is felt that the draft report should include a recommendation that this agency be immediately notified by the State Department, Bureau of Intelligence and Research of any incident that would be normally reported to the State Department, Office of Maritime Affairs.

Your interest in permitting me the opportunity to comment on the draft report is appreciated. If I can be of any further assistance to you in this matter, please let me know.

Sincerely,

Robert J. Blackwell
Assistant Secretary
for Maritime Affairs

Enclosure
APPENDIX V

UNITED STATES DEPARTMENT OF COMMERCE
Maritime Administration
Washington, D.C. 20230

JUL 25 1975

MARAD ADVISORY NO. 75-6

To: U. S. Flag Steamship Operators

Gentlemen:

Subject: Improved Procedures for Disseminating Special Warnings to U. S. Flag Merchant Ships

Special Warnings originate from the United States Department of State and are used for disseminating information relating to important international matters to the mariner.

Special Warnings differ in content from normal Navigational Warnings such as HYDROGANTS and HYDROFACS in that they relate to government policy or political incidents rather than normal notification of navigational dangers to shipping. The content of Special Warnings is the responsibility of the Department of State (Maritime Affairs) and is coordinated with the Chief of Naval Operations through Ocean Affairs of the Politico-Military Policy Division. Under certain conditions a Special Warning may be originated by the Navy or any Federal Agency but in such cases it must be approved by the State Department. The Defense Mapping Agency Hydrographic Center (DMNHC) is the disseminating agency for such messages since its Radio Navigational Warning Broadcast System can be received by all U. S. Flag Merchant ships. Presently U.S. Navy Radio Stations, worldwide, broadcast Special Warning messages on the next two scheduled Navigational Warning Broadcasts after the message is received by the Radio Station from DMNHC. Normally such broadcasts are scheduled 12 hours apart at 0430 and 1640 GMT each day.
APPENDIX V

The procedures utilized in disseminating Special Warnings to U. S. merchant ships were recently reviewed jointly by the Maritime Administration and the Defense Mapping Agency, Hydrographic Center. The following procedures (developed during the review) will be incorporated by DMAHC when the next Special Warning is broadcast:

a. Initial dissemination of Special Warning messages will continue by the HYDROLANT and HYDROPAK Radio Navigational Warning System during regular scheduled broadcasts. In addition, Special Warnings will be repeated in such broadcasts twice a day for three days and then once each week on Fridays for five weeks. By that time all U. S. ships should have received a printed copy of the Special Warning by means of the Weekly Notice to Mariners.

b. Special Warnings will also be broadcast by all U. S. Coast Guard Radio Stations during their Local Radio Navigational Warning Broadcasts.

c. When a Special Warning is released by DMAHC, through the Radio Navigational Warning System, it will also be forwarded by commercial telegram to U. S. steamship companies. This will inform the ship owners of the Special Warning which they may wish to forward to their ships by appropriate methods.

In view of the important nature of Special Warnings the effectiveness of their dissemination requires validation. To assist in evaluating these new procedures each future transmission of a Special Warning will include the following request: "All U. S. Flag Merchant Ships (in general area of incident) acknowledge receipt of this message to DMAHC through U. S. Government radio facilities." The cooperation of U. S. steamship companies in having their ships honor this request would be most helpful.

Sincerely,

[Signature]

BURT KILK
Director, Office of Domestic Shipping
THE SEIZURE OF THE MAYAGUEZ—A CASE STUDY OF CRISIS MANAGEMENT

(Departments of State and Defense, National Security Council)

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C.

[B-133001]

Hon. Dante B. Fascell,
Chairman, Subcommittee on International Political and Military Affairs, Committee on International Relations, House of Representatives.

DEAR MR. CHAIRMAN: Your letter of June 23, 1975, asked us to review all aspects of the seizure of the U.S. vessel Mayaguez and the subsequent diplomatic and military efforts to secure its release. You also asked that we focus on the crisis management operations of our Government. We were restricted by the executive branch from analyzing the decisionmaking process involved in the management of this crisis and, consequently, our review was basically limited to an analysis of the implementation of the decisions which were made. As you know, however, we are now assisting your subcommittee in collecting and analyzing congressional responses to a questionnaire on executive-legislative communications and the role of Congress in international crises. We will submit a separate report on this questionnaire in the near future.

The Departments of State and Defense and the National Security Council were provided the opportunity to comment on a draft of this report. All comments were considered in preparing the final report. In addition to these official comments, we received the personal views of State's Deputy Under Secretary for Management which are re-printed in appendix III.

The report has been classified Secret by the President's Adviser for National Security Affairs even though the Departments of State and Defense, who provided the information on which the report is based, have no objection to releasing the report as an unclassified document. We believe that all information contained in the report is unclassified but since GAO neither classifies nor declassifies documents, we have abided by the National Security Council's request.

As arranged with your subcommittee staff, we will distribute the report to the Departments of State and Defense, the National Security Council, and other congressional committees. Unless the report becomes unclassified, we will restrict other congressional distribution to the Senate Foreign Relations Committee and the House and Senate Armed Services Committees.

Sincerely yours,

Elmer B. Staats,
Comptroller General of the United States.
On May 12, 1975, the U.S. merchant vessel Mayaguez was seized by Cambodian naval forces. During the next 3 days, the United States undertook a variety of diplomatic and military actions in an effort to secure the release of the ship and its 40-crew members. Some 65 hours after the seizure of the ship, the crew was released by the Cambodians (the United States did not learn that the crew had been released until several hours after military actions were underway); and a few hours thereafter, U.S. Forces recaptured the Mayaguez.

GAO, pursuant to the subcommittee request under a House Resolution of Inquiry, attempted to examine all aspects of the Mayaguez incident. Our purpose was to determine how this crisis was handled and to identify lessons which would be of value in the handling of future crises, recognizing that every crisis has its unique characteristics. GAO was restricted by the executive branch from analyzing the decisionmaking process at the highest levels and, consequently, was basically limited to an analysis of the implementation of those decisions. Specifically, we were denied records of National Security Council meetings and information prepared for the Council or for the participants in Council meetings.

GAO noted several points worthy of praise:

- The publicly stated aim of U.S. actions—release of the ship and crew—was achieved.
- U.S. Naval, Marine, and Air Force assets were generally assembled effectively and efficiently.
- Command and control of our communications between the multiservice assets applied, was established expeditiously.
- The willingness of members of the Armed Forces to perform assigned missions despite the personal risks involved was inspiring as was the valor and prowess with which the missions were performed. (See p. 100.)

Several facts became evident.

- The United States did not warn its merchant ships after the Mayaguez was seized, despite increasing evidence that Cambodian forces were asserting historical claims to offshore islands and that Cambodia had greatly extended its territorial limit and was seizing ships entering these waters. (See p. 71.)
- A significant time elapsed before reconnaissance aircraft were launched to locate the Mayaguez. Defense acknowledged the need for improving the process of initiating reconnaissance but did not identify any specific steps being implemented. Defense emphasized that, because of the sensitive political situation in Southeast Asia, action in that part of the world would be initiated with extreme caution. (See pp. 71-73.)

1 The adequacy of the U.S. mariner warning system is addressed in a separate GAO report, "System to Warn U.S. Mariners of Potential Political/Military Hazards: SS Mayaguez—A Case Study," 12-76-88. The report analyzes why 19 hours elapsed before warnings were issued to Mayaguez and the lessons learned. This delay was partially due to a failure within the State Department to notify the responsible office. Our report contains recommendations for improving the mariner warning system.
Some available assets were not used to obtain better evidence of the location of the crew. Defense indicated that with the limited resources available, their inherent limitations, and the rapid tactical situation, it is difficult to see what more could have been done. GAO acknowledges the difficulties and uncertainties existing at the time, but believes that several available opportunities for attempting to reduce the major uncertainty during the incident—the location of the Mayaguez crew—were not pursued. The crew’s location was central to developing a U.S. response. (See pp. 76–84.)

Some important details on the possible location of the crew did not reach decisionmakers. Reports prepared in Washington and Hawaii on the number of caucasians taken away from Koh Tang Island to the mainland were inaccurate; GAO saw no evidence that the military command centers knew of several details which would have lent credence to an interpretation that most or all of the crew had left Koh Tang. Defense stated that information passed to decisionmakers was not inaccurate or intentionally changed. Defense indicated, however, that some details were undoubtedly omitted or inadvertently altered. (See pp. 74–75.)

While the United States undertook a number of diplomatic initiatives to secure the release of the Mayaguez and its crew, little weight appears to have been given to indications that the Cambodians might be working out a political solution. Among these indications was a report received more than 14 hours before the Marine assault was initiated, which indicated that a foreign Government was using its influence with Cambodia to seek an early release of the Mayaguez and expected it to be released soon. Also, several possibilities for communication with the new Cambodian Government were not attempted; contrary to Administration statements, GAO found no evidence that the United States broadcast directly into Cambodia. The Department of State maintained that all effective diplomatic initiatives were taken within the severe time constraints. (See pp. 66–69.)

Marine assault forces planned and carried out the assault on Koh Tang with inaccurate estimates of Cambodian strength on that island. GAO was unable to determine why the available more accurate intelligence estimates did not reach the task group and assault force commanders. The Commander in Chief, Pacific, has subsequently established a feedback system designed to ensure acknowledgement of critical intelligence by all concerned commands. (See pp. 91–92.)

The degree to which relative military risks were assessed is not clear. The risks involved in the Marine assault on Koh Tang—even without the traditional presoftening of the Island by bombardment and with a relatively slow Marine buildup rate—were deemed acceptable. On the other hand, the risk of having an aircraft carrying the Marine assault commander fly below a 6,000 foot altitude restriction to obtain first-hand information on Koh Tang, was deemed unacceptable. Defense officials said that all risks were appropriately evaluated but
GAO was unable to ascertain whether the President or other National Security Council participants requested or received information concerning relative risks involved. (See p. 100.)

In retrospect, the final Marine assault and the bombing of the Cambodian mainland did not influence the Cambodian decision to release the crew. However, certain U.S. actions probably did influence that decision; for example, the sinking of gunboats and U.S. air activity in the area. Defense stated that the decision to assault Koh Tang was reasonable in lieu of information at the time and that the mainland was bombed since Cambodia had the capability to interfere with the operation. GAO does not question the purpose of either the assault or the mainland bombing. (See p. 101.)

**MATTERS FOR CONSIDERATION OF THE CONGRESS**

GAO believes that the U.S. response to the Mayaguez seizure points to the desirability of having the Congress:

—Support and/or sponsor, perhaps under U.N. auspices, some form of “satellite hotline” linking all world capitals. (See p. 101.)

—Require that, after certain crises, a crisis review group assess Government performance and procedures in order to identify possible changes which would improve the U.S. responses to future crises. Such a review would require access to National Security Council material if the review is to be of maximum value in the handling of future crises. (See p. 102.)

**AGENCY COMMENTS**

The Department of State did not challenge the facts in our report. However, in transmitting the Department's comments, the Deputy Under Secretary for Management expressed his personal view that the report was inadequate and misleading and that it attempted to second-guess the actions of officials acting under the constraints of time. GAO disagrees. We believe that our report is a fair and objective analysis of the factual information which we received. (See p. 102.)

State took the position on the proposal of a “satellite hotline” that even if an internationally sponsored communications link had existed, it would not necessarily have contributed to a solution because the Cambodians might not have chosen to use it. GAO does not view this obvious fact as a valid objection to our suggestion that the Congress might wish to explore the concept. (See p. 101.)

The Department of Defense did not comment on our suggestions that Congress might consider the desirability of a “satellite hotline” and a crisis review group. Defense, also, did not question the accuracy of our report but rather, in a few instances, our interpretation of the facts. (See pp. 102–104.)

**CHAPTER 1.—INTRODUCTION**

The U.S. merchant ship *Mayaguez* and its 40-man crew were seized by a Cambodian gunboat shortly after 8 a.m. (2 p.m., Cambodian time) on May 12, 1975, about 6 or 7 miles south of the Cambodian claimed Island of Poulo Wai, which lies about 60 miles south/south-
west of the Cambodian mainland. Cambodia had earlier seized, or attempted to seize, and then released other ships operating within its claimed territorial limit. The *Mayaguez* is a container ship owned by U.S. Sea-Land Service, Inc., a subsidiary of the R. J. Reynolds Industries, and operated a regularly scheduled shuttle service between Hong Kong; Sattahip, Thailand; and Singapore; feeding container ships in Sea-Land's West Coast—Far East service.

After a variety of U.S. diplomatic and military initiatives, Cambodia released the *Mayaguez* crew on May 14 at about 7:30 p.m. (6:30 a.m., May 15, Cambodian time).

On June 23, the Chairman of the House Committee on International Relations, in a floor discussion of House Resolutions of Inquiry directing the Secretary of State to provide information concerning the seizure of the *Mayaguez* and its crew, pointed out that the Committee had referred the Resolutions to its Subcommittee on International Political and Military Affairs and that GAO was being requested to conduct a study of the incident. Shortly thereafter, the Subcommittee Chairman asked GAO to (a) independently establish or confirm the chronology of events of the *Mayaguez* incident, (b) compile a list of key decision makers, and (c) conduct a thorough investigation of all aspects of the seizure and of subsequent diplomatic efforts and military operations to secure its release.

Similar Resolutions of Inquiry were referred to the House Armed Services Committee.

Our review was hampered by an inability to gain access to certain executive branch records and by extensive delays in gaining access to other records and to personnel. However, Defense cooperation and responsiveness was generally good.

During the *Mayaguez* incident, the President called the National Security Council (NSC) into session on four different occasions. The U.S. reaction to the seizure, by all available accounts, was debated and designed during these sessions.
We were unable to obtain access to the information necessary to analyze the (1) NSC decision process, (2) degree to which known information was made available to NSC decisionmakers, or to which highly sensitive intelligence information available to NSC was disseminated downward, or (3) the adequacy, timeliness, and accuracy with which NSC policy decisions or requests for information were communicated downward. Similarly, the Departments of State and Defense and the Central Intelligence Agency would not give us any information prepared for the NSC or for their participation in the NSC sessions. Hence, our review was limited for the most part to analyzing the Department of Defense implementation of NSC decisions.

Within these restrictions, the information we were able to develop on the chronology of the Mayaguez incident is summarized in chapter 2 and presented as appendix VII, and the information as to the key decisionmakers appears in appendix VI.

Chapter 2.—Unfolding of the Mayaguez Incident

The Mayaguez incident encompassed some 78 hours from the seizure on Monday, May 12, 1975, until the withdrawal of U.S. Marines from Koh Tang on Thursday, May 15.

During the remainder of this report, all times are given in eastern standard time. It should be noted that, because of daylight saving time, it was 11 hours earlier in Washington than in Cambodia during the Mayaguez incident.

The SS Mayaguez, a U.S. merchant vessel enroute from Hong Kong to Sattahip, Thailand, was fired upon, seized, and boarded near the Island of Poulo Wai by Cambodian naval forces at 3:18 a.m., on May 12, 1975. President Ford, after meeting with the National Security Council at about noon that day, issued a statement that he considered the seizure an act of piracy and that failure by the Cambodians to release the ship would have the most serious consequences.

During the next 3 days, a number of diplomatic efforts were initiated including appeals through the People’s Republic of China, and through the United Nations, all of which appeared to be futile to decisionmakers. In the meantime, reconnaissance aircraft had been tasked to survey the situation and, accordingly, attempted to follow the whereabouts of the Mayaguez and its crew.

It was determined that the Mayaguez was moved from the Island of Poulo Wai, where it stayed most of May 12, and was taken to the Island of Koh Tang, about midway between Poulo Wai and the Cambodian mainland where it stayed during the remainder of the incident. Several hours later on May 13 (early evening in Cambodia), the entire crew was transferred to two small fishing boats which anchored just off the coast of Koh Tang. Later on May 13 (daylight May 14 in Cambodia), the crew was taken to Kompong Som aboard one of the fishing boats, but was not taken ashore. Shortly thereafter the boat proceeded, on May 14, to the offshore Island of Koh Rong Som Lem, and the crew went ashore. Later on May 14 (daylight May 15 in Cambodia), the crew was put aboard the same fishing boat and released. The boat then made the approximately 3-hour trip toward the Mayaguez during which the crew was recovered by the U.S.S. Wilson.
During this period, reconnaissance aircraft noted that possible caucasians were taken off the Mayaguez; they also observed possible caucasians aboard the vessel that docked at the mainland port of Kompong Som. Reconnaissance did not follow the vessel after it reached Kompong Som, and it was not until the boat carrying the crew returned toward the Mayaguez that their whereabouts became certain.
While reconnaissance aircraft were attempting to follow the Mayaguez and crew, the President held three more meetings with the National Security Council, at which decisions were made concerning the military response appropriate in the light of the apparently futile diplomatic efforts.

Military assets readily available were directed to proceed toward the area of the seizure; these included the destroyers U.S.S. Wilson and U.S.S. Holt, the carrier U.S.S. Coral Sea, and Marines from Okinawa and the Philippines. In an effort to prevent the crew from being taken to the mainland, where their extraction by force would be most difficult, and where their extraction through negotiation could be most humiliating, a decision was made to isolate the Island of Koh Tang, where the crew was thought to be. Several Cambodian patrol boats were sunk or immobilized in doing this. After repeated attempts to force one boat containing “possible caucasians” back to Koh Tang (the fishing boat described above), this boat was allowed to proceed to the mainland.

With diplomatic efforts apparently proving futile and with Naval forces coming within operating range of Koh Tang, a decision was made to undertake a Marine assault on the Island of Koh Tang on May 14 (“first light” on May 15 in Cambodia) with an almost simultaneous reboarding of the Mayaguez. At about 7 p.m. on May 14 Marines from Thailand began landing by helicopter on the Island of Koh Tang, where they met much heavier resistance than had been anticipated, and at 8:30 p.m., additional Marines boarded the Mayaguez and found it empty. At about 8 p.m. a translation of a Cambodian broadcast indicated to Washington decisionmakers that the Cambodians were about to release the Mayaguez. Since there was no mention of the crew in that broadcast, military operations proceeded as planned. In fact the crew had been released by the Cambodians at about the time the Marine assault began.

A fishing vessel carrying caucasians waving white flags was spotted by reconnaissance aircraft at about 10:30 p.m. (daylight in Cambodia), and the crew taken aboard the U.S.S. Wilson at about 11 p.m. At about that time, aircraft from the Coral Sea were undertaking bombing raids on the Cambodian mainland—raids deemed necessary to protect U.S. Marines engaged in hostilities on Koh Tang. After the crew was determined to be in U.S. hands, the President issued orders to suspend all offensive military actions. Nonetheless, to protect the Marines on Koh Tang, it was deemed necessary to send in a second wave of Marines. Fighting continued for several hours; and the last Marines were not extracted from Koh Tang until about 9 a.m. on May 15.

During the Marine assault, 18 U.S. military personnel were killed or missing and presumed dead and 50 were wounded. In addition, 28 U.S. Air Force personnel were killed when a helicopter moving them into position for possible Mayaguez recovery action, crashed. Defense has indicated that 47 Cambodians were killed, including 10 boat pilots, 95 were wounded and an unknown number were missing.
U.S. attempts at a diplomatic solution

Chapter 3—U.S. Attempts at a Diplomatic Solution

U.S. diplomatic initiatives and communications seeking the release of the Mayaguez and her crew began approximately 10 hours after the seizure, following the first National Security Council meeting--which ended at about 12:45 p.m., May 12, 1975. Between the time of the seizure and the release of the crew, the United States

--- issued a public statement demanding the immediate release of the ship (1:50 p.m., May 12),

--- attempted to deliver a message to the Cambodians through the People's Republic of China Liaison Office in Washington, D.C. (4:30 p.m., May 12),

--- delivered messages to the Cambodian Embassy and the Foreign Ministry of the People's Republic of China in Peking (12:10 a.m., May 13),

--- requested U.N. Secretary General Waldheim's assistance in securing the release of the ship and crew (1-2 p.m., May 14), and

--- responded to a local Cambodian broadcast that the Mayaguez would be released with a public offer to cease military operations if the Cambodians stated they would release the crew (9:15 p.m., May 14).

Administration officials stated that they are confident the Cambodians received U.S. demands for the release of the Mayaguez and its crew. According to the Secretary of State, the absence of any communications from the Cambodians precluded a diplomatic solution.

U.S. actions

At 1:50 p.m. on May 12, 1975, following a noon meeting of the National Security Council (NSC), the White House received the following statement on the seizure.

We have been informed that a Cambodian naval vessel has seized an American merchant ship on the high seas and forced it to the port of Kompong Som. The President has met with the NSC. He considers this seizure an act of piracy. He has instructed the State Department to demand the immediate release of the ship. Failure to do so would have the most serious consequences.

Shortly thereafter, the Department of State requested Huang Chen, Head of the Chinese Liaison Office in Washington, to call at the Department. At 4:30 p.m., Huang Chen met with Deputy Secretary Ingersoll but refused to accept a message for the Cambodian authorities.

The State Department then requested the U.S. liaison office in Peking to deliver messages to the Cambodian Embassy there and to the Foreign Ministry of the People's Republic of China. These messages were delivered at approximately 12:10 a.m. on Tuesday, May 13. The following day, the Chinese returned their message undelivered to the Cambodians and the Cambodians sent theirs back through the mails.

Sometime between 1 and 8 p.m. on May 14 (about 3 to 4 hours before the orders were issued to begin military-assault operations) Ambassador Scali delivered a letter to U.N. Secretary Waldheim requesting his assistance in securing the release of the Mayaguez and its crew. The letter cited the absence of response to U.S. appeals through diplo-
matics channels and stated that the United States reserved "the right
to take such measures as may be necessary to protect the lives of Amer-
ican citizens and property, including appropriate measures of self-
defense under article 51 of the United Nations Charter." Secretary
General Waldheim, in response, directed messages to the Cambodians
in Phnom Penh and Peking and to the United States. At approxi-
mately 7 p.m. on May '14, he released a statement that he had com-
municated with the Cambodians and the United States and appealed
to both governments "to refrain from further acts of force in order
to facilitate the process of peaceful settlement." According to U.N.
records, the Secretary General did not receive a reply from the Camb-
obdians until May 19.

At 7:07 p.m. on May 14, at almost the same time the Marines began
landing on Koh Tang, the Phnom Penh domestic radio broadcast
a message in Cambodian. The following extract is from a summary of
the broadcast, which was available in Washington shortly after 8 p.m.

** ** ** [the royal government] will order the Mayaguez to
withdraw from Cambodian territorial waters and will warn it
against further espionage or provocative activities. This applies to the Mayaguez or any other ships like the ship flying
the Panama flag which we released on May 9, 1976.

Administration officials stated that, since the Cambodian message
made no specific mention of the crew, there was no firm basis upon
which to halt U.S. military actions. (The original White House
statement of May 12 (see p. 66) similarly referred only to the ship and
did not mention the crew.) In response, the White House issued a
press release at 9:15 p.m. which acknowledged receipt of the broadcast
and stated:

> As you know, we have seized the ship. As soon as you issue
> a statement that you are prepared to release the crew members,
you hold unconditionally and immediately, we will promptly
> cease military operations.

Unbeknown to the United States, the crew had been released at ap-
proximately the same time as the Cambodian broadcast and were
aboard a Thai fishing boat enroute toward the Mayaguez, when the
White House released this statement. Later on May 14, Ambassador
Scali sent a letter to the President of the U.N. Security Council stat-
ing that the United States had "taken certain appropriate measures
under Article 51. ** ** ** to achieve the release of the vessel and, its
crew."

Administration officials have stated that the diplomatic messages
intended for the Cambodians did not include a time deadline but did
denote an immediate time frame for the release of the ship and its
crew. We were unable to confirm that the diplomatic messages to the
Cambodians did not include a deadline because the Department of
State refused to release these documents. Regardless of whether the
United States communicated a specific time deadline, U.S. decision-
makers judged that the Cambodians had received the U.S. messages
and had had sufficient time to respond before the orders were issued
to begin the Marine assault and mainland bombing.
Administration officials stated that the United States took the most effective means of communicating—through the People’s Republic of China and directly with the Cambodians in Peking. According to the Secretary of State, the absence of any communications from the Cambodians or any other source precluded a diplomatic solution. No government except the Chinese appeared to have diplomatic influence with the new Cambodian Government. Administration officials told us that the Chinese link for communicating with the Cambodians had been successfully used before.

During our review we explored several other options which were available at the time:

— Contacting Cambodians in Phnom Penh directly.
— Contacting Cambodian representatives in Paris and Moscow.
— Enlisting the diplomatic assistance of governments other than the Chinese.

With respect to the first option, the Secretary of State and the White House stated that the United States broadcast its response to the Cambodian message of May 14 directly into Cambodia. The White House Press Secretary stated that the United States broadcast its response on a radio frequency “we knew would be monitored” in Cambodia. When releasing the text of the U.S. response to the press, he stated that the United States did not know if this route was sufficiently fast and that the news channels might be the fastest way for the message to get through. On May 16, the Secretary of State said that the United States took “drastic communications measures” and broadcast the U.S. statement directly into Cambodia. However, we found no evidence that the United States did directly broadcast its response to Cambodia. There were, during the incident, a number of Voice of America broadcasts in Khmer (the Cambodian language), and in September 1975 a ranking Cambodian official claimed that Phnom Penh’s first knowledge of the seizure was through “the American broadcasts.” There were, however, no Voice of America Khmer language broadcasts from the time the Phnom Penh radio broadcast was available in Washington (8:00 p.m., May 14) and the time the Mayaguez and its crew were recovered.

With respect to the options of contacting Cambodian representatives in Paris and Moscow or seeking the diplomatic assistance of governments other than the Chinese, the Department of State said that the People’s Republic of China was the only country which might have had official representatives in Phnom Penh at the time and that there was no reason to believe that the new government’s personnel in Paris or Moscow were accredited diplomatic representatives or had rapid means of communication with Phnom Penh. The Department’s view was that, given the severe time constraints, it had taken all effective diplomatic action.

We agree that the Department of State took the most reasonable and direct route to reach the Cambodian authorities (other than attempting direct contact with Phnom Penh). However, given the situation that Cambodia was almost totally cut off from communications with the outside world, extra efforts to communicate with the Cambodian authorities might have been warranted. Such efforts might
not have produced positive results, but if they had been made simultaneously with the diplomatic initiatives which were attempted, there should not have been any lost time.

Little weight appears to have been given to a report almost 14 hours before the Marine assault, from a U.S. Embassy in a Middle Eastern country that a third-country official had learned from a senior [security deletion] diplomat that his government was using its influence with Cambodia and expected the *Mayaguez* to be released soon. The report, indicated that this [security deletion] source knew that an officer from the [security deletion] had called on the [security deletion] Ministry of Foreign Affairs the preceding day. The Department of State commented that this was an uncalculated report of questionable validity and that it contradicted the [security deletion] refusal in Washington to relay a message from the U.S. Government to the Cambodians. We found no evidence that the Department attempted to verify this report.

GAO was unable to determine the content of the U.S. messages delivered in Peking because the Department of State refused to release these documents.

**Diplomatic Impact**

During the incident, the United States did not consult with other governments but did, concurrent with the Marine assault, inform governments throughout the world of its position. On the evening of May 14, the State Department phoned various embassies in Washington with a message stating in part that the United States was “taking appropriate military action to secure the release of the ship and its crew and to assure the success of the operation.” After the ship and crew had been recovered, the State Department instructed all U.S. diplomatic posts to “inform local officials at the highest appropriate level” of the circumstances surrounding the seizure, military action against Cambodia, and recovery of the ship and its crew. Reports from a few Missions, however, indicated uncertainty as to whether the *Mayaguez* was seized in international or Cambodian territorial waters. Therefore, on May 19, the State Department instructed all U.S. diplomatic posts that if there was any reason to believe a host government was unclear on this issue the post should provide clarification of the U.S. position that the ship was in international waters.

In general, U.S. diplomatic posts reported that most host governments reacted favorably to U.S. actions. The most serious adverse reaction was in Thailand, whose government formally protested the use of Thai territory for U.S. military actions. The United States, in response, expressed regrets over the misunderstandings that had arisen between Thailand and the United States “in regard to the temporary placement of marines at Utapao to assist in the recovery of the SS *Mayaguez*. “The U.S. diplomatic note satisfied the Thai Government.

**Chapter 4.—Consultation With the Congress**

Section 3 of the War Powers Resolution requires that “The President in every possible instance shall consult with Congress before introducing U.S. Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by
the circumstances * * *" The term "consult" indicates clear congressional intent that the President is to do more than inform the Congress of decisions he has already made and excuses him from prior consultation only when instances of such extreme emergency make it impossible to consult in advance. The report accompanying the original House bill, made it clear that consultation was not:

 synonymous with merely being informed. Rather, consultation in this provision means that a decision is pending on a problem and that Members of Congress are being asked by the President for their advice and opinions and, in appropriate circumstances, their approval of action contemplated.

Furthermore, for consultation to be meaningful, the President himself must participate and all information relevant to the situation must be made available.

The following contacts were made by the President, his staff, and executive branch officials with the Congress during the unfolding of the Mayaguez incident. There may have been other contacts of an informal nature for which there is no record.

May 13 (5:50 p.m.-11 p.m.).—At the direction of the President, White House staff officers contacted 10 House and 11 Senate Members regarding military measures the President had directed to prevent the Mayaguez and its crew from being transferred to the Cambodian mainland and to prevent Cambodian reinforcement of Koh Tang.

May 14 (11:15 a.m.-12 n.).—11 House and 11 Senate Members were contacted and informed that 3 Cambodian patrol craft had been sunk and 4 others immobilized in an effort to prevent removal of the Mayaguez crew to the mainland.

May 14 (2 p.m.-5 p.m.).—Briefing of House International Relations Committee by Deputy Assistant Secretary of State for East Asian and Pacific Affairs and Deputy Assistant Secretary of Defense for International Security Affairs. Briefing of Senate Foreign Relations Committee by Legal Advisor, Office of Chairman, Joint Chiefs of Staff, and Acting Assistant Secretary of State for East Asian and Pacific Affairs. Briefing of House Appropriations Subcommittee on the Department of Defense by National Intelligence Officer for South and Southeast Asia, Central Intelligence Agency. Briefing of House Committee on Armed Services by Deputy Assistant Secretary of State for East Asian and Pacific Affairs.

May 14 (6:30 p.m.).—The President, at a meeting in the White House Cabinet Room, personally briefed the congressional leadership on his specific orders for the recapture of the ship and crew.

Administration sources indicated that, after White House staff officers had contacted Members of Congress on May 13 and the morning of May 14, each individual view of those Members was communicated to the President. Also, according to the State Department Legal Advisor, at the meeting between the President and the congressional leadership on May 14, an active exchange of views occurred concerning the operations that had already taken place and, with one exception, no objection was expressed by the congressional leadership about the military operations that were to take place later on the evening of May 14.
Certain of those Members of Congress who were “consulted” on both May 13 and May 14 have stated that the President merely informed them of decisions already made. However, there was sufficient time to consult in a more meaningful manner. It is clear, moreover, that the “active exchange of views” between the President and congressional leadership on May 14 began about 1½ hours after the “execute” orders had been given for the Marine assault on Koh Tang, to retake the Mayaguez, and to make the air strikes on the Cambodian mainland. An additional concern that may be raised is that, at the briefing of the various committees on May 14, there were no administration officials who had been in on the decisionmaking process.

The available evidence suggests less than full compliance with section 3. Due to the ambiguity of this section, and without more definitive guidelines than are present in the legislative history of that section, we cannot say that in the situation surrounding the rescue of the Mayaguez crew, the President failed to comply with section 3 of the War Powers Resolution.

Section 4 of the War Powers Resolution requires the President to report to the Congress within 48 hours the basis for, facts surrounding, and estimated duration of the introduction of U.S. Armed Forces in three types of situations. In compliance with section 4, deliveries of the President’s written report were made to the offices of the Speaker of the House and the President Pro tempore of the Senate at approximately 2:30 a.m. on May 15, about 4 hours before the expiration of the 48-hour period.

We are presently undertaking an inquiry into the flow of information from the executive branch to the Congress during the unfolding of international crises. It appears that the flow of such information could certainly be improved; it is also possible that the War Powers Resolution should be amended so that, for crises involving actual or potential use of U.S. Forces in hostilities, the consultation provision might be made more specific as to precisely who in the Congress is to be informed, under what circumstances, and through what means.

CHAPTER 5—IMPLEMENTATION OF MILITARY ACTIONS

U.S. military involvement in the Mayaguez incident progressed from collecting information through military reconnaissance and other means to assembling sufficient military assets in the Gulf of Thailand which would permit recovery of the ship and crew to identifying military options and recommendations for the President to implementation of the selected options.

U.S. military strategy was to:
1. locate the Mayaguez,
2. prevent further movement of the ship,
3. isolate Koh Tang to prevent movement of the crew or reinforcement of the island, and
4. retake the Mayaguez and rescue the crew believed to be on Koh Tang (targets on the mainland were bombed to protect U.S. Forces).

The military actions discussed in this chapter were implemented under a perceived need for quick action. One Defense official told us that Cambodia was believed to be acting to embarrass the United States and its prime motive was to gain control of American prisoners
of war to use for various purposes. The United States had to respond quickly to recover the crew because it was believed that once they were moved to the Cambodian mainland their recovery by force would be extremely difficult. Another Defense official told us that if the crew had reached the Cambodian mainland, a diplomatic solution—similar to the negotiations to secure the release of the Pueblo crew—would have been about the only alternative. The Pueblo negotiations are widely considered a humiliating experience for the United States.

RECONNAISSANCE

At 5:12 a.m. on May 12, the Defense Department’s National Military Command Center received notification of the seizure and discussed the report with the Pacific Command in Hawaii at 5:34 a.m. Almost 2 hours later, at 7:30 a.m., the Center directed the Pacific Command to launch a reconnaissance aircraft from UTapao, Thailand, to obtain a photographic, visual, or radar fix on the ship and its armed escort. It was not until 9:57 a.m. (nighttime in Cambodia), however, that the first reconnaissance plane, a P-3 at UTapao, was launched. The question arises as to why almost 5 hours elapsed before this elementary action was undertaken.

Although the Mayaguez was only moved a short distance from the point of seizure during this 5 hours, the delay in launching aircraft could have considerably increased the potential search area for reconnaissance and the vessel could have been moved to the Cambodian mainland.

Defense has stated that, as soon as the report of the seizure was received, the requirement to locate the vessel was immediately recognized and the process started. The Thailand-based P-3 was not kept on alert, so it had to be readied, the crew briefed, the mission planned, and all other pretakeoff activities completed. Given the situation, Defense said that the aircraft was launched in remarkable time.1

According to Defense, the P-3 was the proper craft to assign to this mission because of its unique capabilities. A P-3 is a large, propeller-driven aircraft specially equipped for long-range surveillance. Jet fighters were initially considered for reconnaissance but were rejected due to their lack of staying power and the fact that their use might have been interpreted as a military signal. Unlike the P-3, however, jet aircraft were on alert in Thailand and could have been quickly launched. Other aircraft in Thailand were also available for and suited to such a reconnaissance mission. For example, the AC-130, which provided coverage after the Mayaguez was located, is specifically equipped to operate at night.

Although other aircraft in Thailand probably could have been launched sooner, the local U.S. command had no operational authority to launch aircraft for reconnaissance purposes closer than 12 miles to Cambodian territory. [Security deletion.] Approval for the launch of reconnaissance aircraft into Cambodian airspace originated in the Office of the Secretary of Defense.

1A P-3 aircraft in the Philippines was on ready alert, but the flying time to the vicinity of the seizure was about 4 hours. The flying time from Utapao, however, was only 30 minutes.
Defense acknowledged the need to improve the process of initiating reconnaissance but did not identify any specific steps being implemented. It did emphasize that because of the sensitive political situation in Southeast Asia action in that part of the world was initiated with extreme caution.

LOCATING THE CREW

Both during and after the Mayaguez crisis, executive branch officials stressed the uncertainty that existed over the crew's location. It was believed possible that some crew members might be on the Mayaguez, on Koh Tang, and on the Cambodian mainland.

There was evidence that American prisoners were to be moved to Koh Tang Island by the Cambodians. There were visual reports that possible caucassians had been taken off the Mayaguez and that personnel were being transferred to Koh Tang. About 12 hours later, there were additional visual reports that "30-40 people on decision thought possible to be caucasian" had been taken to the Cambodian mainland. We saw no evidence which indicated that any crew members were still aboard the Mayaguez.

Available information:

The first U.S. reconnaissance aircraft arrived on the scene at about 10:30 a.m. (nighttime in Cambodia). If identified a ship of the same class but could not positively identify the Mayaguez. At 9:16 p.m. (daylight in Cambodia) the third U.S. reconnaissance aircraft on the scene positively identified the Mayaguez. It was "dead" in the water at Poulo Wai Island, 60 miles from the Cambodian mainland, and only several miles from where it was boarded. From this time forward, the Mayaguez was under continuous aerial surveillance.

Several hours later, at about 2:30 a.m. on May 13, reconnaissance aircraft reported that the Mayaguez was dead in the water at Koh Tang, approximately 30 miles from Poulo Wai. The Mayaguez remained dead in the water, 1 mile off Koh Tang Island, until recaptured on May 14.

Between 5:54 a.m. and 8:27 a.m. on May 13 (dusk in Cambodia), the local U.S. command filed six situation reports on the location of the Mayaguez crew based on oral reports of visual sightings by U.S. aircraft. At 5:54 a.m., the command reported "smaller vessels now tied up to Mayaguez and a ladder over starboard side of Mayaguez." Approximately 30 minutes later, two reports stated that two boats which had been tied up to the Mayaguez were moving toward Koh Tang Island—one had "a lot of people on board," and the other, a small fishing-type vessel, "appears to have caucasian personnel on board." Two subsequent reports indicated that "personnel are disembarking on island" and "two small boats offloading personnel on island and they are moving toward interior of island." At 5:27 a.m., the report concluded that "all personnel appear to have been transferred to island. Both small boats are at island."

We were not able to determine why the local command reached this conclusion. Defense was not able to locate the written debriefings of pilots who observed caucassians being transferred. After his release, the Mayaguez captain indicated that the crew had never set foot on Koh
Tang Island but, until being transferred to the mainland, had been held captive aboard two fishing vessels docked several hundred yards off the beach.

For about the next 12 hours, there were several reports of small boats moving between the Mayaguez and the island and vessels anchored several hundred yards off the beach. Reconnaissance aircraft observed the movement of only a handful of people during this time period.

From approximately 8:30 p.m. to 11:15 p.m. on May 13 (daylight in Cambodia), U.S. jet fighters observed and attempted to turn around five boats headed from Koh Tang toward the Cambodian mainland. Three boats were successfully forced back to Koh Tang; one boat sank when ordnance directed at its rudder caused a fire; the fifth boat—described as a 40-foot fishing vessel—eventually docked in Kompong Som harbor at 11:15 p.m. Despite repeated warning shots and use of riot control agents, this fishing boat refused to return to Koh Tang.

In an attempt to determine who was on the boat, U.S. jets made repeated visual reconnaissance passes at low altitudes (between 100 and 300 feet) and at minimum safe air speeds (about 450 mph), which permitted only brief looks at the boat. The information obtained by pilots was passed to the on-scene commander—a C-130 aircraft acting as an airborne battlefield command and control center—which in turn relayed the information to the [security deletion]. As far as we were able to determine, only one aircrrew included information from their visual reconnaissance passes in a written report. This report indicated that the boat was carrying “30-40 people on decision thought possible to be caucasian.”

Because many of the pilot’s verbal reports were not put in writing, Defense cooperated by identifying and setting up interviews with its personnel involved in visual reconnaissance of this particular fishing boat. The pilots we interviewed indicated that there was no way of determining for certain that any of the people on this boat were members of the Mayaguez crew but that its passengers appeared to be caucasian.

Details about why caucasians were suspected of being aboard the fishing boat apparently never reached Thailand, Hawaii, or Washington. A Defense official told us that even at low altitudes and slow air speeds, a jet pilot could not distinguish a caucasian from an oriental. Such an assignment was both unprecedented and difficult. Nevertheless, the pilots observed that the majority of passengers visible on the boat’s deck appeared too large to be orientals, no weapons were visible, passengers’ clothing was brightly colored or white, and appeared unusual—a black turtle neck, yellow slickers, and they were not fired at from the fishing boat. However, they were not able to say with 100 percent certainty that the 30 to 40 passengers were caucasian or members of the Mayaguez crew. We have seen no indications that these details reached higher level decisionmakers. Defense officials we interviewed knew only that jet pilots were not able to say for certain whether there were or were not caucasians aboard the boat.

Some Defense officials in Hawaii and Washington told us that only a few possible caucasians were believed to have been taken to the main-

*Air Force intelligence officers debrief an aircrrew after a mission and file an operational report, known as an oprep.
land. The Secretary of State said that a substantial number of crewmen were believed to be on Koh Tang. Both the Pacific Command and the Department of State published documents indicating that a small number of possible caucasians had been taken to the mainland; the Command reported 8 to 9, State reported 6 to 8.

Neither the pilots nor airborne battlefield command and control center personnel we interviewed recall hearing of or making an estimate of 8 to 9 caucasians aboard the boat. The consensus—from various pilots involved in low passes over the fishing boat—was that there were 30 to 40 people on the deck; several interviewees stated that there was no specific estimate as to how many of these were possible caucasians. Two individuals, however, said they reported that all the people on the deck were possible caucasians. Command and control center personnel stated that the estimate of 10 survivors from a sunken Cambodian patrol boat may have been confused with the report made at about the same time that there were possible caucasians aboard the fishing vessel.

In retrospect, the information collected by pilots under difficult circumstances appears to have been accurate but to have been incompletely or inaccurately passed to decisionmakers.

Defense stated that their information was not inaccurate or intentionally changed, although some details were undoubtedly omitted or inadvertently altered. More specifically, Defense states that the detailed observations of pilots concerning the suspected caucasians were passed via secure phone to Washington. Our review indicates that reports prepared in Washington and Hawaii on the number of caucasians believed to have been taken to the mainland were inaccurate. We saw no evidence that several details, which lend credence to an interpretation that a large portion of the crew was taken to the mainland ever reached military command centers. Our observations are based on extensive interviews with officials at all levels of the chain of command. Contrary to the Defense assertion, we believe there is no way to determine the impact that accurate or more complete information would have had on the decisionmakers’ assessment of the situation or on their final decisions.

Defense stated that, once the fishing boat docked at Kompong Som harbor, it was believed any further action would be unproductive in the light of more pressing requirements at Koh Tang where the majority of crewmen were thought to be. Although continued reconnaissance in the area was directed, the fishing boat was not designated as a target of significant interest. The airborne battlefield command and control center, which ordered U.S. jets to maintain contact with the fishing vessel as it approached the mainland, had no authority to direct aircraft to fly over the mainland. U.S. jets lost visual contact with the boat as it docked in Kompong Som harbor. When the command and control center asked if U.S. jets should follow the boat into the harbor, the local U.S. command replied that U.S. aircraft should “keep their feet wet.”—not fly over Cambodia.

Defense indicated that turning back the boat that had possible caucasians aboard was the paramount task, not identifying the passengers. It believed the crew would be lost once they entered the harbor. However, isolating Koh Tang would have little meaning if the crew had been transferred to the mainland.
We have seen no evidence indicating that any of the crewmen were still aboard the Mayaguez. The available information—both visual and other—seemed to indicate that the crew had probably been moved elsewhere. In addition, the stack temperature of the Mayaguez had been steadily decreasing since the ship was first reported dead in the water at Koh Tang. An increasing stack temperature might indicate preparation to move the ship and such movement would probably require the presence of crew members. From the time the fishing vessel carrying possible caucasians reached Kompong Som until the commencement of U.S. military operations to recover the crew, there were no reports of people boarding or leaving the Mayaguez.

Numerous Defense officials told us that the weight of the evidence suggested that a large portion of the crew was on Koh Tang Island. GAO believes that there is no logical reason for attaching more reliability to a visual report of possible caucasians being transferred to Koh Tang than to a similar report of 30 to 40 people thought to be possible caucasians being taken to the mainland.

Some defense officials also noted that considerable emphasis was placed on the evidence that the American prisoners were to be moved to Koh Tang Island by the Cambodians. There were visual reports that possible caucasians had been taken off the Mayaguez and that personnel were being transferred to Koh Tang. However, a subsequent report of possible caucasians on a fishing vessel might suggest that after initially being taken to Koh Tang, members of the crew were being moved again—this time to the mainland. One of the first reports on the seizure indicated that the Mayaguez was being taken to the Cambodian mainland. Cambodian patrol boats were attacked to prevent the possible movement of crew members to the mainland. The Mayaguez crew consisted of 40 people, and 30 to 40 were visible on the deck of the fishing vessel that reached the mainland, more people than the normal complement of one of these boats. Thus, one might just as easily conclude that the weight of the evidence suggested that most or all of the crew was no longer on Koh Tang.

Sources of information not fully used

Despite the availability of various assets and the apparent uncertainty concerning the location of the Mayaguez crew, little attempt appears to have been made to use photography or other means to verify reports or to obtain additional information.

Once located, the Mayaguez and the area around Koh Tang were photographed frequently. Primary coverage was provided by RF-4 photo reconnaissance aircraft, which flew a total of 16 missions—4 on May 13, 6 on May 14, 4 on May 15, and 2 on May 16—and took an estimated 5,000 to 6,000 pictures. In addition, a high altitude aircraft flew one photo mission on May 13, and P-3 aircraft took a small number of hand-held photographs at the outset and toward the end of the operation. Unmanned photo drones available in Thailand were not used during the incident. Although only a small number of photographs reached Washington during the incident, they were analyzed in the field.

a Defense keeps track of aircraft missions in Greenwich Mean Time. Indicated by the use of the letter Z. If a mission began on the 13th Z, but terminated on the 14th Z, it is recorded as having taken place on the 14th Z.
RF-4 coverage

On the evening of May 12, the Joint Chiefs of Staff requested that RF-4 photo coverage of Poulo Wai Island be made at the first available light in Cambodia. The local U.S. command received these instructions via a non-secure phone. Command personnel told us that because of the use of this phone, they were not told why the photo reconnaissance was being requested or what the pilot should look for. However, Defense made available to us messages containing specific instructions which we were told should have arrived prior to the first photo reconnaissance flight. The mission was carried out while the Mayaguez was still dead in the water at Poulo Wai, but no photos of the ship were obtained.

Although the Commander in Chief, Pacific Command, initially imposed minimum altitudes—6,000 feet over the mainland, 4,500 feet over the islands—missions were subsequently flown as low as 1,000 feet. Some missions were general in nature and aircraft were directed to take photos along a pre-plotted course which included Kompong Som, Ream, Koh Tang, and Poulo Wai. Other missions were more specific and included two nighttime missions to obtain information on the distance between the cargo containers aboard the Mayaguez and the relationship of the Mayaguez to Koh Tang Island.

RF-4 coverage was not continuous. For example, no RF-4s were in the area when the Mayaguez crew was believed to have been transferred to Koh Tang. However, RF-4s were in the area at the time the fishing vessel suspected of carrying caucasians left Koh Tang until several hours after it reached Kompong Som.

Defense permitted us to examine film that had been analyzed in Thailand during the incident to verify that no photos were obtained which might shed light on the whereabouts of the Mayaguez crew. Photo interpreters were neither informed of nor asked to look for a fishing boat suspected of carrying caucasians. After the Mayaguez incident, the film was forwarded to Washington where it was examined again, but not primarily to determine whether the fishing boat had been photographed. We selected approximately 1,000 photos taken on a single RF-4 mission at about the time the fishing boat reached Kompong Som. Using similar photo interpretation equipment to examine the film, we did discover a picture showing a lot of people on the deck of a fishing boat lying dead in the water near Kompong Som harbor. Defense photo interpreters analyzed the picture and confirmed that it was a "fishing boat with approximately 29 possible persons on deck." The boat in the photo had "probable boxes" and drums or barrels in front of the pilot house, as did the fishing boat from which the Mayaguez crew was eventually recovered. The crewmen, after their recovery, indicated that shortly after reaching Kompong Som harbor, their boat was moved about 1½ miles down the coast where it anchored 50 yards offshore.

None of the RF-4s in the area at the time were directed to take photographs of a fishing vessel at this location. The mission of the aircraft which obtained this picture was to take photographs along a pre-plotted course over Kompong Som, Ream, Poulo Wai, and Koh Tang. The pilot was probably not aware that a fishing vessel with possible caucasians aboard was in the area.