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NSS, NAVY reviews completed.

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MEMORANDUM

NATIONAL SECURITY COUNCIL

TOP SECRET
BYEMAN

ACTION

March 22, 1972

MORI/CDF C05106244

MEMORANDUM FOR: GENERAL HAIG
FROM: JOHN H. HOLDRIDGE *John*
SUBJECT: CINCPAC Request for Penetration Authority
in Paracels

We understand that CINCPAC has requested penetration authority for a USN destroyer to penetrate up to the three-mile limit in the PRC-claimed Paracel Islands to surveil a fishing trawler which is suspected to be North Vietnamese.

The penetration within the 12-mile limit will probably generate another "serious warning" from Peking, which may be harder on our violations of its claimed territory now in light of our agreement to the Five Principles in the Shanghai Communique. This will also be the first "serious warning" since the President's visit. As you know, our penetrations of the Paracels have been the source of the great majority of Peking's "serious warnings" in the past several years.

At the last 40 Committee meeting Dr. Kissinger approved penetrations in the Paracels by submarines within the 12-mile limit, and by reconnaissance flights up to the 3-mile limit if the JSC approved such flights on a case-by-case basis. Dick Kennedy and Jack Froebe's recollection, however, is that Dr. Kissinger said White House approval should be obtained. Since the Paracels are claimed by the PRC, SVN and the ROC, of which only the PRC holds to a 12-mile limit, our rigid observance of a 12-mile limit could be taken over a period of time as U.S. tacit--and undesirable--recognition of the PRC position. The minutes do not show that Dr. Kissinger addressed himself to the question of surface penetrations, although I assume he would put these in the same category as reconnaissance flights.

Recommendation:

That we approve the penetration up to the three-mile limit in this case.

Approve _____ Disapprove no

Concurrence: Col. Kennedy *CP*

Twelve at 12

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