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Last Updated: 11/06/2023

EP

THE WHITE HOUSE
WASHINGTON

57502355
00071
F0002-01
C0001-07
F0003-01
FG006-12

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: COLIN L. POWELL 
SUBJECT: Persian Gulf Letters

Issue

To sign the letters to the President Pro Tempore of the Senate and the Speaker of the House, attached at Tabs A and B, respectively, for delivery today.

Facts

In connection with the incident in which Iranian forces fired upon a U.S. helicopter in the Persian Gulf and the related exchanges of fire between Iranian and U.S. Armed Forces, it is appropriate for you to report to Congress "consistent with the War Powers Resolution." This formulation is in line with your April 19, 1988, letter (reporting the incident in which the frigate USS SAMUEL B. ROBERTS struck an Iranian mine, the U.S. military response against two Iranian oil platforms, and the related exchanges of fire between Iranian and U.S. Armed Forces), as well as your prior practice since 1982. It acknowledges the involvement of U.S. Forces in an incident of "hostilities." The letters also refer to the July 2 incident involving the Danish tanker (in a manner that does not indicate that such an incident would be separately reportable) and report the accidental downing of the Iranian airliner. They further note that the Defense Department will conduct a full investigation.

Discussion

It is generally agreed that Congress has the constitutional authority to require reports of the sort specified in section 4 of the War Powers Resolution and are provided in the attached letters. The letters provide Congress with information on the events of July 3 "consistent with" the Resolution and are intended to fulfill that reporting requirement.

NSC 8804915 & 8804916

While thus designed to fulfill the requirements of section 4, the "consistent with" formulation also is intended to avoid any concession with respect to section 5 of the Resolution. That section purports to require the President, after he files a War Powers report, to terminate deployment of U.S. forces (1) within 60 to 90 days, unless Congress specifically authorizes their continued use; or (2) immediately if Congress, by concurrent resolution, so directs. It remains the Administration's position, consistent with the views of all Presidents since the adoption of the War Powers Resolution, that the legislative veto mechanisms of section 5 are unconstitutional and inapplicable.

State, Defense, JCS, CIA, Justice, and Phillip Brady, Deputy Counsel to the President, have approved the text of the letters, which should be delivered today in keeping with the 48-hour timetable specified in the Resolution. A. B. Culvahouse, who is out of town, has been informed of the substance of the letters and concurs.

Recommendation

OK


No

That you sign the letters at Tabs A and B for delivery to the President Pro Tempore of the Senate and the Speaker of the House today.

Attachments

- Tab A Ltr. to the President Pro Tempore of the Senate
- Tab B Ltr. to the Speaker of the House

Prepared by:
Nicholas Rostow

4916

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

July 4, 1988

Natl Sec Advisor
has seen

ACTION

MEMORANDUM FOR COLIN L. POWELL

FROM: NICHOLAS ROSTOW *NR*

SUBJECT: Presidential Letters on the Persian Gulf

Attached at Tab I for your signature is a memorandum for the President recommending that he sign letters to the President Pro Tempore of the Senate and the Speaker of the House, for delivery today, reporting on the July 3, 1988, attack on U.S. Armed Forces by Iranian forces, and the actions taken by U.S. Armed Forces in self defense. The letters also refer to the July 2 incident involving the Danish tanker (in a manner which does not indicate that such an incident would be separately reportable) and report the accidental downing of the Iranian airliner. They further note that the Defense Department will conduct a full investigation.

Senior counsel at State, Defense, Justice, JCS, and CIA, as well as Phillip Brady, Deputy Counsel to the President, and I, believe the President should report to Congress "consistent with the War Powers Resolution." This formula is in line with the President's April 19, 1988, letter (reporting on the Iranian mining, which damaged the USS SAMUEL B. ROBERTS, the U.S. military response against two Iranian oil platforms, and the related exchanges of fire between Iranian and U.S. Armed Forces in the Persian Gulf) as well as prior practice of this Administration with respect to such incidents in the Persian Gulf episodes of "hostilities" involving our Armed Forces. It acknowledges that U.S. Forces have engaged in "hostilities" while stating that this incident is closed. It is generally conceded that Congress has the constitutional authority to require reports of the sort specified in section 4 of the Resolution and provided in the attached letters. While noting the applicability of the section 4 reporting requirement, the memorandum for the President also reconfirms our well-established position that the section 5 termination provisions are unconstitutional and inapplicable.

State, Defense, JCS, CIA, Justice, and Counsel to the President have cleared the text of the proposed letters (Tabs A and B). A. B. Culvahouse, who is out of town, has been informed of the

substance of the letters and concurs. The letters should be delivered to Congress today in keeping with the 48-hour timetable specified in the Resolution.

William J. Burns concurs. ^{WB} *PM Concur. 7/4/88*

RECOMMENDATION

That you sign the memorandum for the President at Tab I.

Approve ✓ Disapprove _____

Attachments

- Tab I - Memorandum for the President
- Tab A - Letter to the President Pro Tempore of the Senate
- Tab B - Letter to the Speaker of the House

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 8804916

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001	POWELL	Z	88070514	FWD TO PRES FOR SIG
002	PRESIDENT	Z	88070514	FOR SIGNATURE
003		X	88070514	PRES SGD LTRS

UNCLASSIFIED

National Security Council
The White House

Delivered
Signed
PR 3:15
7/5

88 JUL 5 A 9: 45

System # _____
Package # 4916
DOCLOG DP A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
Bob Perito	_____	_____	_____
Marybel Batjer	_____	_____	_____
Paul Stevens	<u>1</u>	<u>PM</u>	_____
John Negroponte	<u>2</u>	<u>✓</u>	_____
Collin Powell	<u>3</u>	<u>✓</u>	_____
Paul Stevens	_____	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>4</u>	<u>DP 7/5</u>	<u>N</u>
NSC Secretariat	<u>5</u>	_____	<u>N</u>

I = Information A = Action R = Retain D = Dispatch N = No further Action

cc: VP Baker Other _____

COMMENTS Should be seen by: _____
(Date/Time)

Ltrs delivered over weekend 7/5

UNCLASSIFIED
NSC/S PROFILE

RECORD ID: 8804916
RECEIVED: 05 JUL 88 09

TO: WRIGHT, JAMES C
STENNIS, JOHN C

FROM: PRESIDENT

DOC DATE: 04 JUL 88
SOURCE REF:

KEYWORDS: PERSIAN GULF
CONGRESSIONAL

LEGAL ISSUES

PERSONS:

SUBJECT: PRES LTRS TO CONGRESS / ACCIDENTAL DOWNING OF IRANIAN AIRLINER

ACTION: PRES SGD LTRS

DUE DATE: 08 JUL 88

STATUS: C

STAFF OFFICER: ROSTOW

LOGREF: 8804915

FILES: WH

NSCIF:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BURNS

ROSTOW

COMMENTS:

DISPATCHED BY _____ DATE _____ W/ATTCH: YES NO

OPENED BY: NSEF

CLOSED BY: NSEF

DOC 3 OF 3

UNCLASSIFIED

NATIONAL SECURITY COUNCIL

July 5, 1988

MEMORANDUM FOR THE NSC SECRETARIAT

FROM: KAY LAPLANTE *Kay*

SUBJECT: 4915

Please log this into the system. The package was done yesterday, sent to Paul Stevens' residence for signature, then to General Powell's residence, and on to the President. The President should have signed the letters yesterday and they would have been delivered to Congress by the White House Clerk's office.

If I get a copy of the signed package for some reason, I'll send one down to be placed into the system.

If you have any questions, please call me on 6538.

Thanks.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

July 4, 1988

ACTION

MEMORANDUM FOR COLIN L. POWELL

FROM: NICHOLAS ROSTOW *NR*.

SUBJECT: Presidential Letters on the Persian Gulf

Attached at Tab I for your signature is a memorandum for the President recommending that he sign letters to the President Pro Tempore of the Senate and the Speaker of the House, for delivery today, reporting on the July 3, 1988, attack on U.S. Armed Forces by Iranian forces, and the actions taken by U.S. Armed Forces in self defense. The letters also refer to the July 2 incident involving the Danish tanker (in a manner which does not indicate that such an incident would be separately reportable) and report the accidental downing of the Iranian airliner. They further note that the Defense Department will conduct a full investigation.

Senior counsel at State, Defense, Justice, JCS, and CIA, as well as Phillip Brady, Deputy Counsel to the President, and I, believe the President should report to Congress "consistent with the War Powers Resolution." This formula is in line with the President's April 19, 1988, letter (reporting on the Iranian mining, which damaged the USS SAMUEL B. ROBERTS, the U.S. military response against two Iranian oil platforms, and the related exchanges of fire between Iranian and U.S. Armed Forces in the Persian Gulf) as well as prior practice of this Administration with respect to such incidents in the Persian Gulf episodes of "hostilities" involving our Armed Forces. It acknowledges that U.S. Forces have engaged in "hostilities" while stating that this incident is closed. It is generally conceded that Congress has the constitutional authority to require reports of the sort specified in section 4 of the Resolution and provided in the attached letters. While noting the applicability of the section 4 reporting requirement, the memorandum for the President also reconfirms our well-established position that the section 5 termination provisions are unconstitutional and inapplicable.

State, Defense, JCS, CIA, Justice, and Counsel to the President have cleared the text of the proposed letters (Tabs A and B). A. B. Culvahouse, who is out of town, has been informed of the

substance of the letters and concurs. The letters should be delivered to Congress today in keeping with the 48-hour timetable specified in the Resolution.

^{WB}
William J. Burns concurs.

RECOMMENDATION

That you sign the memorandum for the President at Tab I.

Approve _____

Disapprove _____

Attachments

Tab I - Memorandum for the President

Tab A - Letter to the President Pro Tempore of the
Senate

Tab B - Letter to the Speaker of the House

TAB

I

THE WHITE HOUSE

WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: COLIN L. POWELL

SUBJECT: Persian Gulf Letters

Issue

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While thus designed to fulfill the requirements of section 4, the "consistent with" formulation also is intended to avoid any concession with respect to section 5 of the Resolution. That section purports to require the President, after he files a War Powers report, to terminate deployment of U.S. forces (1) within 60 to 90 days, unless Congress specifically authorizes their continued use; or (2) immediately if Congress, by concurrent resolution, so directs. It remains the Administration's position, consistent with the views of all Presidents since the adoption of the War Powers Resolution, that the legislative veto mechanisms of section 5 are unconstitutional and inapplicable.

State, Defense, JCS, CIA, Justice, and Phillip Brady, Deputy Counsel to the President, have approved the text of the letters, which should be delivered today in keeping with the 48-hour timetable specified in the Resolution. A. B. Culvahouse, who is out of town, has been informed of the substance of the letters and concurs.

Recommendation

OK

No

That you sign the letters at Tabs A and B for delivery to the President Pro Tempore of the Senate and the Speaker of the House today.

Attachments

Tab A Ltr. to the President Pro Tempore of the Senate
 Tab B Ltr. to the Speaker of the House

Prepared by:
 Nicholas Rostow

TAB

A

THE WHITE HOUSE

WASHINGTON

Dear Mr. President:

On July 3, 1988, the USS VINCENNES and USS ELMER MONTGOMERY were operating in international waters of the Persian Gulf near the Strait of Hormuz. (On July 2, the MONTGOMERY had responded to a distress signal from a Danish tanker that was under attack by Iranian small boats and had fired a warning shot, which caused the breaking off of the attack.) Having indications that approximately a dozen Iranian small boats were congregating to attack merchant shipping, the VINCENNES sent a Mark III LAMPS Helicopter on investigative patrol in international airspace to assess the situation. At about 1010 local Gulf time (2:10 a.m. EDT), when the helicopter had approached to within only four nautical miles, it was fired on by Iranian small boats (the VINCENNES was ten nautical miles from the scene at this time). The LAMPS helicopter was not damaged and returned immediately to the VINCENNES.

As the VINCENNES and MONTGOMERY were approaching the group of Iranian small boats at approximately 1042 local time, at least four of the small boats turned toward and began closing in on the American warships. At this time, both American ships opened fire on the small craft, sinking two and damaging a third. Regrettably, in the course of the U.S. response to the Iranian attack, an Iranian civilian airliner was shot down by the VINCENNES, which was firing in self defense at what it believed to be a hostile Iranian military aircraft. We deeply regret the tragic loss of life that occurred. The Defense Department will conduct a full investigation.

The actions of U.S. forces in response to being attacked by Iranian small boats were taken in accordance with our inherent right of self-defense, as recognized in Article 51 of the United Nations Charter, and pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander in Chief. There has been no further hostile action by Iranian forces, and, although U.S. forces will remain prepared to take additional defensive action to protect our units and military personnel, we regard this incident as closed. U.S. forces suffered no casualties or damage.

Since March 1987, I and members of my Administration have provided to Congress letters, reports, briefings, and testimony in connection with developments in the Persian Gulf and the activities of U.S. Armed Forces in the region. In accordance with my desire that Congress continue to be fully informed in this matter, I am providing this report consistent with the War Powers Resolution. I look forward to cooperating with Congress in pursuit of our mutual, overriding aim of peace and stability in the Persian Gulf region.

Sincerely,

The Honorable John C. Stennis
President Pro Tempore of the Senate
Washington, D.C. 20510

TAB

B

THE WHITE HOUSE

WASHINGTON

Dear Mr. Speaker:

On July 3, 1988, the USS VINCENNES and USS ELMER MONTGOMERY were operating in international waters of the Persian Gulf near the Strait of Hormuz. (On July 2, the MONTGOMERY had responded to a distress signal from a Danish tanker that was under attack by Iranian small boats and had fired a warning shot, which caused the breaking off of the attack.) Having indications that approximately a dozen Iranian small boats were congregating to attack merchant shipping, the VINCENNES sent a Mark III LAMPS Helicopter on investigative patrol in international airspace to assess the situation. At about 1010 local Gulf time (2:10 a.m. EDT), when the helicopter had approached to within only four nautical miles, it was fired on by Iranian small boats (the VINCENNES was ten nautical miles from the scene at this time). The LAMPS helicopter was not damaged and returned immediately to the VINCENNES.

As the VINCENNES and MONTGOMERY were approaching the group of Iranian small boats at approximately 1042 local time, at least four of the small boats turned toward and began closing in on the American warships. At this time, both American ships opened fire on the small craft, sinking two and damaging a third. Regrettably, in the course of the U.S. response to the Iranian attack, an Iranian civilian airliner was shot down by the VINCENNES, which was firing in self defense at what it believed to be a hostile Iranian military aircraft. We deeply regret the tragic loss of life that occurred. The Defense Department will conduct a full investigation.

The actions of U.S. forces in response to being attacked by Iranian small boats were taken in accordance with our inherent right of self-defense, as recognized in Article 51 of the United Nations Charter, and pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander in Chief. There has been no further hostile action by Iranian forces, and, although U.S. forces will remain prepared to take additional defensive action to protect our units and military personnel, we regard this incident as closed. U.S. forces suffered no casualties or damage.

Since March 1987, I and members of my Administration have provided to Congress letters, reports, briefings, and testimony in connection with developments in the Persian Gulf and the activities of U.S. Armed Forces in the region. In accordance with my desire that Congress continue to be fully informed in this matter, I am providing this report consistent with the War Powers Resolution. I look forward to cooperating with Congress in pursuit of our mutual, overriding aim of peace and stability in the Persian Gulf region.

Sincerely,

The Honorable Jim Wright
The Speaker
House of Representatives
Washington, D.C. 20515

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 8804915

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 POWELL
001

Z 88070510 FWD TO PRES FOR SIG
X 88070518 SEE 8804916 FOR FINAL ACTION

UNCLASSIFIED

UNCLASSIFIED
NSC/S PROFILE

RECORD ID: 8804915
RECEIVED: 05 JUL 88 09

TO: POWELL

FROM: ROSTOW

DOC DATE: 05 JUL 88
SOURCE REF:

KEYWORDS: PERSIAN GULF
CONGRESSIONAL

LEGAL ISSUES

PERSONS:

SUBJECT: PRES LTRS RE PERSIAN GULF ACTIVITY

ACTION: SEE 8804916 FOR FINAL ACTION DUE DATE: 08 JUL 88 STATUS: C

STAFF OFFICER: ROSTOW

LOGREF: 8804916

FILES: WH

NSCIF:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION
POWELL

FOR CONCURRENCE

FOR INFO

COMMENTS:

DISPATCHED BY _____ DATE _____ W/ATTCH: YES NO

OPENED BY: NSWJR

CLOSED BY: NSRSC

DOC 1 OF 1

UNCLASSIFIED

21



B/B

575023
1230
1220
20071
DA
R5
FE00201
ND013
FD00301
C000101
ND016
FA038

THE WHITE HOUSE
WASHINGTON

July 4, 1988

Dear Mr. Speaker:

On July 3, 1988, the USS VINCENNES and USS ELMER MONTGOMERY were operating in international waters of the Persian Gulf near the Strait of Hormuz. (On July 2, the MONTGOMERY had responded to a distress signal from a Danish tanker that was under attack by Iranian small boats and had fired a warning shot, which caused the breaking off of the attack.) Having indications that approximately a dozen Iranian small boats were congregating to attack merchant shipping, the VINCENNES sent a Mark III LAMPS Helicopter on investigative patrol in international airspace to assess the situation. At about 1010 local Gulf time (2:10 a.m. EDT), when the helicopter had approached to within only four nautical miles, it was fired on by Iranian small boats (the VINCENNES was ten nautical miles from the scene at this time). The LAMPS helicopter was not damaged and returned immediately to the VINCENNES.

FE034

As the VINCENNES and MONTGOMERY were approaching the group of Iranian small boats at approximately 1042 local time, at least four of the small boats turned toward and began closing in on the American warships. At this time, both American ships opened fire on the small craft, sinking two and damaging a third. Regrettably, in the course of the U.S. response to the Iranian attack, an Iranian civilian airliner was shot down by the VINCENNES, which was firing in self defense at what it believed to be a hostile Iranian military aircraft. We deeply regret the tragic loss of life that occurred. The Defense Department will conduct a full investigation.

The actions of U.S. forces in response to being attacked by Iranian small boats were taken in accordance with our inherent right of self-defense, as recognized in Article 51 of the United Nations Charter, and pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander in Chief. There has been no further hostile action by Iranian forces, and, although U.S. forces will remain prepared to take additional defensive action to protect our units and military personnel, we regard this incident as closed. U.S. forces suffered no casualties or damage.

DELIVERED TO THE SPEAKER OF THE HOUSE: 7/4/88 (4:20PM)

57502355

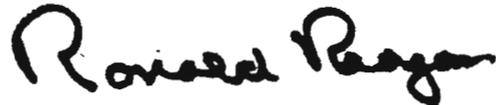
NOTED
dwy

The USS Vincennes and Iranian Airliner

Persian Gulf Letters Re

Since March 1987, I and members of my Administration have provided to Congress letters, reports, briefings, and testimony in connection with developments in the Persian Gulf and the activities of U.S. Armed Forces in the region. In accordance with my desire that Congress continue to be fully informed in this matter, I am providing this report consistent with the War Powers Resolution. I look forward to cooperating with Congress in pursuit of our mutual, overriding aim of peace and stability in the Persian Gulf region.

Sincerely,

A handwritten signature in black ink that reads "Ronald Reagan". The signature is written in a cursive style with a large, prominent "R" at the beginning.

The Honorable Jim Wright
The Speaker
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

July 4, 1988

Dear Mr. President:

On July 3, 1988, the USS VINCENNES and USS ELMER MONTGOMERY were operating in international waters of the Persian Gulf near the Strait of Hormuz. (On July 2, the MONTGOMERY had responded to a distress signal from a Danish tanker that was under attack by Iranian small boats and had fired a warning shot, which caused the breaking off of the attack.) Having indications that approximately a dozen Iranian small boats were congregating to attack merchant shipping, the VINCENNES sent a Mark III LAMPS Helicopter on investigative patrol in international airspace to assess the situation. At about 1010 local Gulf time (2:10 a.m. EDT), when the helicopter had approached to within only four nautical miles, it was fired on by Iranian small boats (the VINCENNES was ten nautical miles from the scene at this time). The LAMPS helicopter was not damaged and returned immediately to the VINCENNES.

As the VINCENNES and MONTGOMERY were approaching the group of Iranian small boats at approximately 1042 local time, at least four of the small boats turned toward and began closing in on the American warships. At this time, both American ships opened fire on the small craft, sinking two and damaging a third. Regrettably, in the course of the U.S. response to the Iranian attack, an Iranian civilian airliner was shot down by the VINCENNES, which was firing in self defense at what it believed to be a hostile Iranian military aircraft. We deeply regret the tragic loss of life that occurred. The Defense Department will conduct a full investigation.

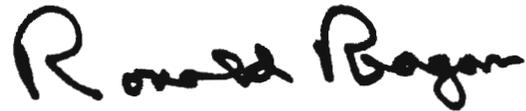
The actions of U.S. forces in response to being attacked by Iranian small boats were taken in accordance with our inherent right of self-defense, as recognized in Article 51 of the United Nations Charter, and pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander in Chief. There has been no further hostile action by Iranian forces, and, although U.S. forces will remain prepared to take additional defensive action to protect our units and military personnel, we regard this incident as closed. U.S. forces suffered no casualties or damage.

DELIVERED TO THE PRESIDENT AND TEMPORARY 7/4/88 (3:55 PM)

10/21/88

Since March 1987, I and members of my Administration have provided to Congress letters, reports, briefings, and testimony in connection with developments in the Persian Gulf and the activities of U.S. Armed Forces in the region. In accordance with my desire that Congress continue to be fully informed in this matter, I am providing this report consistent with the War Powers Resolution. I look forward to cooperating with Congress in pursuit of our mutual, overriding aim of peace and stability in the Persian Gulf region.

Sincerely,

A handwritten signature in black ink that reads "Ronald Reagan". The signature is written in a cursive, slightly slanted style.

The Honorable John C. Stennis
President Pro Tempore of the Senate
Washington, D.C. 20510

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 5, 1988

TEXT OF A LETTER FROM THE
PRESIDENT TO THE SPEAKER OF THE
HOUSE OF REPRESENTATIVES
AND THE PRESIDENT PRO TEMPORE
OF THE SENATE

July 4, 1988

Dear Mr. Speaker: (Dear Mr. President:)

On July 3, 1988, the USS VINCENNES and USS ELMER MONTGOMERY were operating in international waters of the Persian Gulf near the Strait of Hormuz. (On July 2, the MONTGOMERY had responded to a distress signal from a Danish tanker that was under attack by Iranian small boats and had fired a warning shot, which caused the breaking off of the attack.) Having indications that approximately a dozen Iranian small boats were congregating to attack merchant shipping, the VINCENNES sent a Mark III LAMPS Helicopter on investigative patrol in international airspace to assess the situation. At about 1010 local Gulf time (2:10 a.m. EDT), when the helicopter had approached to within only four nautical miles, it was fired on by Iranian small boats (the VINCENNES was ten nautical miles from the scene at this time). The LAMPS helicopter was not damaged and returned immediately to the VINCENNES.

As the VINCENNES and MONTGOMERY were approaching the group of Iranian small boats at approximately 1042 local time, at least four of the small boats turned toward and began closing in on the American warships. At this time, both American ships opened fire on the small craft, sinking two and damaging a third. Regrettably, in the course of the U.S. response to the Iranian attack, an Iranian civilian airliner was shot down by the VINCENNES, which was firing in self defense at what it believed to be a hostile Iranian military aircraft. We deeply regret the tragic loss of life that occurred. The Defense Department will conduct a full investigation.

The actions of U.S. forces in response to being attacked by Iranian small boats were taken in accordance with our inherent right of self-defense, as recognized in Article 51 of the United Nations Charter, and pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander in Chief. There has been no further hostile action by Iranian forces, and, although U.S. forces will remain prepared to take additional defensive action to protect our units and military personnel, we regard this incident as closed. U.S. forces suffered no casualties or damage.

Since March 1987, I and members of my Administration have provided to Congress letters, reports, briefings, and testimony in connection with developments in the Persian Gulf and the activities of U.S. Armed Forces in the region. In accordance with my desire that Congress continue to be fully informed in this matter, I am providing this report consistent with the War Powers Resolution. I look forward to cooperating with Congress in pursuit of our mutual, overriding aim of peace and stability in the Persian Gulf region.

Sincerely,

RONALD REAGAN

#

THE WHITE HOUSE

WASHINGTON

July 4, 1988

Dear Mr. Speaker:

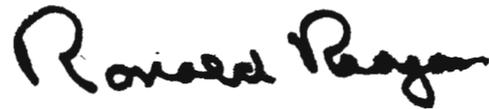
On July 3, 1988, the USS VINCENNES and USS ELMER MONTGOMERY were operating in international waters of the Persian Gulf near the Strait of Hormuz. (On July 2, the MONTGOMERY had responded to a distress signal from a Danish tanker that was under attack by Iranian small boats and had fired a warning shot, which caused the breaking off of the attack.) Having indications that approximately a dozen Iranian small boats were congregating to attack merchant shipping, the VINCENNES sent a Mark III LAMPS Helicopter on investigative patrol in international airspace to assess the situation. At about 1010 local Gulf time (2:10 a.m. EDT), when the helicopter had approached to within only four nautical miles, it was fired on by Iranian small boats (the VINCENNES was ten nautical miles from the scene at this time). The LAMPS helicopter was not damaged and returned immediately to the VINCENNES.

As the VINCENNES and MONTGOMERY were approaching the group of Iranian small boats at approximately 1042 local time, at least four of the small boats turned toward and began closing in on the American warships. At this time, both American ships opened fire on the small craft, sinking two and damaging a third. Regrettably, in the course of the U.S. response to the Iranian attack, an Iranian civilian airliner was shot down by the VINCENNES, which was firing in self defense at what it believed to be a hostile Iranian military aircraft. We deeply regret the tragic loss of life that occurred. The Defense Department will conduct a full investigation.

The actions of U.S. forces in response to being attacked by Iranian small boats were taken in accordance with our inherent right of self-defense, as recognized in Article 51 of the United Nations Charter, and pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander in Chief. There has been no further hostile action by Iranian forces, and, although U.S. forces will remain prepared to take additional defensive action to protect our units and military personnel, we regard this incident as closed. U.S. forces suffered no casualties or damage.

Since March 1987, I and members of my Administration have provided to Congress letters, reports, briefings, and testimony in connection with developments in the Persian Gulf and the activities of U.S. Armed Forces in the region. In accordance with my desire that Congress continue to be fully informed in this matter, I am providing this report consistent with the War Powers Resolution. I look forward to cooperating with Congress in pursuit of our mutual, overriding aim of peace and stability in the Persian Gulf region.

Sincerely,

A handwritten signature in black ink, reading "Ronald Reagan". The signature is written in a cursive, slightly slanted style.

The Honorable Jim Wright
The Speaker
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

July 4, 1988

Dear Mr. Speaker:

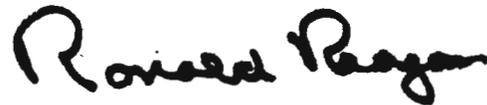
On July 3, 1988, the USS VINCENNES and USS ELMER MONTGOMERY were operating in international waters of the Persian Gulf near the Strait of Hormuz. (On July 2, the MONTGOMERY had responded to a distress signal from a Danish tanker that was under attack by Iranian small boats and had fired a warning shot, which caused the breaking off of the attack.) Having indications that approximately a dozen Iranian small boats were congregating to attack merchant shipping, the VINCENNES sent a Mark III LAMPS Helicopter on investigative patrol in international airspace to assess the situation. At about 1010 local Gulf time (2:10 a.m. EDT), when the helicopter had approached to within only four nautical miles, it was fired on by Iranian small boats (the VINCENNES was ten nautical miles from the scene at this time). The LAMPS helicopter was not damaged and returned immediately to the VINCENNES.

As the VINCENNES and MONTGOMERY were approaching the group of Iranian small boats at approximately 1042 local time, at least four of the small boats turned toward and began closing in on the American warships. At this time, both American ships opened fire on the small craft, sinking two and damaging a third. Regrettably, in the course of the U.S. response to the Iranian attack, an Iranian civilian airliner was shot down by the VINCENNES, which was firing in self defense at what it believed to be a hostile Iranian military aircraft. We deeply regret the tragic loss of life that occurred. The Defense Department will conduct a full investigation.

The actions of U.S. forces in response to being attacked by Iranian small boats were taken in accordance with our inherent right of self-defense, as recognized in Article 51 of the United Nations Charter, and pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander in Chief. There has been no further hostile action by Iranian forces, and, although U.S. forces will remain prepared to take additional defensive action to protect our units and military personnel, we regard this incident as closed. U.S. forces suffered no casualties or damage.

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As the VINCENNES and MONTGOMERY were approaching the group of Iranian small boats at approximately 1042 local time, at least four of the small boats turned toward and began closing in on the American warships. At this time, both American ships opened fire on the small craft, sinking two and damaging a third. Regrettably, in the course of the U.S. response to the Iranian attack, an Iranian civilian airliner was shot down by the VINCENNES, which was firing in self defense at what it believed to be a hostile Iranian military aircraft. We deeply regret the tragic loss of life that occurred. The Defense Department will conduct a full investigation.

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The Honorable John C. Stennis
President Pro Tempore of the Senate
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

July 4, 1988

Dear Mr. President:

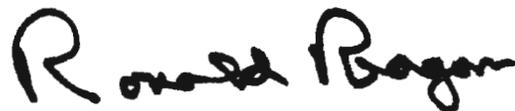
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As the VINCENNES and MONTGOMERY were approaching the group of Iranian small boats at approximately 1042 local time, at least four of the small boats turned toward and began closing in on the American warships. At this time, both American ships opened fire on the small craft, sinking two and damaging a third. Regrettably, in the course of the U.S. response to the Iranian attack, an Iranian civilian airliner was shot down by the VINCENNES, which was firing in self defense at what it believed to be a hostile Iranian military aircraft. We deeply regret the tragic loss of life that occurred. The Defense Department will conduct a full investigation.

The actions of U.S. forces in response to being attacked by Iranian small boats were taken in accordance with our inherent right of self-defense, as recognized in Article 51 of the United Nations Charter, and pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander in Chief. There has been no further hostile action by Iranian forces, and, although U.S. forces will remain prepared to take additional defensive action to protect our units and military personnel, we regard this incident as closed. U.S. forces suffered no casualties or damage.

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The Honorable John C. Stennis
President Pro Tempore of the Senate
Washington, D.C. 20510

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

KDL

PTL - approved
Per Phil Brady 7/4/88
m

July 4, 1988

ACTION

MEMORANDUM FOR COLIN L. POWELL

FROM: NICHOLAS ROSTOW *NR*

SUBJECT: Presidential Letters on the Persian Gulf

Attached at Tab I for your signature is a memorandum for the President recommending that he sign letters to the President Pro Tempore of the Senate and the Speaker of the House, for delivery today, reporting on the July 3, 1988, attack on U.S. Armed Forces by Iranian forces, and the actions taken by U.S. Armed Forces in self defense. The letters also refer to the July 2 incident involving the Danish tanker (in a manner which does not indicate that such an incident would be separately reportable) and report the accidental downing of the Iranian airliner. They further note that the Defense Department will conduct a full investigation.

Senior counsel at State, Defense, Justice, JCS, and CIA, as well as Phillip Brady, Deputy Counsel to the President, and I, believe the President should report to Congress "consistent with the War Powers Resolution." This formula is in line with the President's April 19, 1988, letter (reporting on the Iranian mining, which damaged the USS SAMUEL B. ROBERTS, the U.S. military response against two Iranian oil platforms, and the related exchanges of fire between Iranian and U.S. Armed Forces in the Persian Gulf) as well as prior practice of this Administration with respect to such incidents in the Persian Gulf episodes of "hostilities" involving our Armed Forces. It acknowledges that U.S. Forces have engaged in "hostilities" while stating that this incident is closed. It is generally conceded that Congress has the constitutional authority to require reports of the sort specified in section 4 of the Resolution and provided in the attached letters. While noting the applicability of the section 4 reporting requirement, the memorandum for the President also reconfirms our well-established position that the section 5 termination provisions are unconstitutional and inapplicable.

State, Defense, JCS, CIA, Justice, and Counsel to the President have cleared the text of the proposed letters (Tabs A and B). A. B. Culvahouse, who is out of town, has been informed of the

substance of the letters and concurs. The letters should be delivered to Congress today in keeping with the 48-hour timetable specified in the Resolution.

^{WB}
William J. Burns concurs.

RECOMMENDATION

That you sign the memorandum for the President at Tab I.

Approve _____

Disapprove _____

Attachments

- Tab I - Memorandum for the President
- Tab A - Letter to the President Pro Tempore of the Senate
- Tab B - Letter to the Speaker of the House

100
100
100

TAB

I

THE WHITE HOUSE

WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: COLIN L. POWELL
SUBJECT: Persian Gulf Letters

Issue

To sign the letters to the President Pro Tempore of the Senate and the Speaker of the House, attached at Tabs A and B, respectively, for delivery today.

Facts

In connection with the incident in which Iranian forces fired upon a U.S. helicopter in the Persian Gulf and the related exchanges of fire between Iranian and U.S. Armed Forces, it is appropriate for you to report to Congress "consistent with the War Powers Resolution." This formulation is in line with your April 19, 1988, letter (reporting the incident in which the frigate USS SAMUEL B. ROBERTS struck an Iranian mine, the U.S. military response against two Iranian oil platforms, and the related exchanges of fire between Iranian and U.S. Armed Forces), as well as your prior practice since 1982. It acknowledges the involvement of U.S. Forces in an incident of "hostilities." The letters also refer to the July 2 incident involving the Danish tanker (in a manner that does not indicate that such an incident would be separately reportable) and report the accidental downing of the Iranian airliner. They further note that the Defense Department will conduct a full investigation.

Discussion

It is generally agreed that Congress has the constitutional authority to require reports of the sort specified in section 4 of the War Powers Resolution and are provided in the attached letters. The letters provide Congress with information on the events of July 3 "consistent with" the Resolution and are intended to fulfill that reporting requirement.

While thus designed to fulfill the requirements of section 4, the "consistent with" formulation also is intended to avoid any concession with respect to section 5 of the Resolution. That section purports to require the President, after he files a War Powers report, to terminate deployment of U.S. forces (1) within 60 to 90 days, unless Congress specifically authorizes their continued use; or (2) immediately if Congress, by concurrent resolution, so directs. It remains the Administration's position, consistent with the views of all Presidents since the adoption of the War Powers Resolution, that the legislative veto mechanisms of section 5 are unconstitutional and inapplicable.

State, Defense, JCS, CIA, Justice, and Phillip Brady, Deputy Counsel to the President, have approved the text of the letters, which should be delivered today in keeping with the 48-hour timetable specified in the Resolution. A. B. Culvahouse, who is out of town, has been informed of the substance of the letters and concurs.

Recommendation

OK

No

That you sign the letters at Tabs A and B for delivery to the President Pro Tempore of the Senate and the Speaker of the House today.

Attachments

Tab A Ltr. to the President Pro Tempore of the Senate
 Tab B Ltr. to the Speaker of the House

Prepared by:
 Nicholas Rostow

TAB

A

THE WHITE HOUSE

WASHINGTON

Dear Mr. President:

On July 3, 1988, the USS VINCENNES and USS ELMER MONTGOMERY were operating in international waters of the Persian Gulf near the Strait of Hormuz. (On July 2, the MONTGOMERY had responded to a distress signal from a Danish tanker that was under attack by Iranian small boats and had fired a warning shot, which caused the breaking off of the attack.) Having indications that approximately a dozen Iranian small boats were congregating to attack merchant shipping, the VINCENNES sent a Mark III LAMPS Helicopter on investigative patrol in international airspace to assess the situation. At about 1010 local Gulf time (2:10 a.m. EDT), when the helicopter had approached to within only four nautical miles, it was fired on by Iranian small boats (the VINCENNES was ten nautical miles from the scene at this time). The LAMPS helicopter was not damaged and returned immediately to the VINCENNES.

As the VINCENNES and MONTGOMERY were approaching the group of Iranian small boats at approximately 1042 local time, at least four of the small boats turned toward and began closing in on the American warships. At this time, both American ships opened fire on the small craft, sinking two and damaging a third. Regrettably, in the course of the U.S. response to the Iranian attack, an Iranian civilian airliner was shot down by the VINCENNES, which was firing in self defense at what it believed to be a hostile Iranian military aircraft. We deeply regret the tragic loss of life that occurred. The Defense Department will conduct a full investigation.

The actions of U.S. forces in response to being attacked by Iranian small boats were taken in accordance with our inherent right of self-defense, as recognized in Article 51 of the United Nations Charter, and pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander in Chief. There has been no further hostile action by Iranian forces, and, although U.S. forces will remain prepared to take additional defensive action to protect our units and military personnel, we regard this incident as closed. U.S. forces suffered no casualties or damage.

Since March 1987, I and members of my Administration have provided to Congress letters, reports, briefings, and testimony in connection with developments in the Persian Gulf and the activities of U.S. Armed Forces in the region. In accordance with my desire that Congress continue to be fully informed in this matter, I am providing this report consistent with the War Powers Resolution. I look forward to cooperating with Congress in pursuit of our mutual, overriding aim of peace and stability in the Persian Gulf region.

Sincerely,

The Honorable John C. Stennis
President Pro Tempore of the Senate
Washington, D.C. 20510

TAB

B

THE WHITE HOUSE

WASHINGTON

Dear Mr. Speaker:

On July 3, 1988, the USS VINCENNES and USS ELMER MONTGOMERY were operating in international waters of the Persian Gulf near the Strait of Hormuz. (On July 2, the MONTGOMERY had responded to a distress signal from a Danish tanker that was under attack by Iranian small boats and had fired a warning shot, which caused the breaking off of the attack.) Having indications that approximately a dozen Iranian small boats were congregating to attack merchant shipping, the VINCENNES sent a Mark III LAMPS Helicopter on investigative patrol in international airspace to assess the situation. At about 1010 local Gulf time (2:10 a.m. EDT), when the helicopter had approached to within only four nautical miles, it was fired on by Iranian small boats (the VINCENNES was ten nautical miles from the scene at this time). The LAMPS helicopter was not damaged and returned immediately to the VINCENNES.

As the VINCENNES and MONTGOMERY were approaching the group of Iranian small boats at approximately 1042 local time, at least four of the small boats turned toward and began closing in on the American warships. At this time, both American ships opened fire on the small craft, sinking two and damaging a third. Regrettably, in the course of the U.S. response to the Iranian attack, an Iranian civilian airliner was shot down by the VINCENNES, which was firing in self defense at what it believed to be a hostile Iranian military aircraft. We deeply regret the tragic loss of life that occurred. The Defense Department will conduct a full investigation.

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Sincerely,

The Honorable Jim Wright
The Speaker
House of Representatives
Washington, D.C. 20515

25

WALTER J. STEWART
SECRETARY

BPA

575023
COO71

United States Senate

OFFICE OF THE SECRETARY
WASHINGTON, DC 20510-7100

July 5, 1988

The Honorable Ronald W. Reagan
President of the United States
The White House
Washington, D.C.

Dear Mr. President:

Receipt is acknowledged of your letter dated July 4, 1988, regarding the Persian Gulf incident which occurred on July 3, 1988.

This letter will be presented to the United States Senate for consideration and appropriately referred.

Sincerely,

Walter J. Stewart
Walter J. Stewart

WJS/dj

7/6/88

No need to acknowledge.

Bob Teubi

*NOTED
AWZ*