

April 17, 1965

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APPROVED JCS RULES OF ENGAGEMENT, SOUTHEAST ASIA  
(Extracts from JCS Basic Rules of Engagement - Southeast Asia,  
JCS msg to CINCPAC 009294/170122Z April 1965)

1. (TS) Rules Related to Communist China

a. As defined within JCS Basic Rules of Engagement, Southeast Asia does not include Communist China.

b. Communist China is however treated in the rules in two contexts:

(1) "In states claiming 12-mile territorial seas, 12 miles shall be observed for these rules as if it were the width of their territorial seas."

(2) No pursuit is authorized into territorial seas or air space of Communist China.

2. (TS) Rules Related to Southeast Asia

a. Definitions

(1) Immediate Pursuit:\* Pursuit in response to attacks by hostile aircraft or vessels. Must be continuous and uninterrupted.

(2) Hostile Aircraft

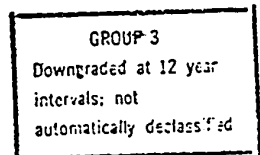
(a) An aircraft in Southeast Asia attacking, or indicating with reasonable certainty, an intent to attack US forces or installations.

\* Legally "hot pursuit" and "immediate pursuit" are not synonymous. Within international law, "hot pursuit" is a specific term and relates to the right of a vessel/aircraft attacked in its own territorial waters/air space to pursue the hostile into/over international waters. The right to hot pursuit ends when the pursued vessel enters territorial waters/air space of his own or a third state. The term "immediate pursuit" exists by Washington definition and has no technical legal meaning.

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(b) A communist bloc aircraft over South Vietnam or Thailand without clearance from the government concerned.

(c) Any aircraft over South Vietnam or Thailand committing hostile acts such as unauthorized laying of mines, or landing of troops.

(d) A communist bloc aircraft in Laos committing hostile acts such as unauthorized laying of mines or landing of troops.

(e) Designation of aircraft (and vessels) as hostile to be tempered with judgment. Examples: Communist civil aircraft off course. Aircraft or vessels manned by defectors or trying to surrender.

b. General Rules

(1) US forces are authorized to attack and destroy hostile aircraft in Southeast Asia (also hostile vessels, hostile ground forces only in South Vietnam).

(2) Immediate Pursuit

(a) If a US aircraft is attacked over South Vietnam, Thailand, North Vietnam or Southeast Asia international waters/air space, immediate pursuit of the hostile may be conducted over:

1. International waters
2. North Vietnam
3. Laos
4. Cambodia (when actually engaged in combat)

(b) US forces entering unfriendly air space (or territorial sea or land) are not authorized to attack other unfriendly forces in installations except in direct self-defense.

(c) No pursuit is authorized into the territorial seas or air space of Communist China.

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3. (TS) Operating Instructions which Impose Operating Limitations in North Vietnam (From current CINCPAC Basic OP ORDER, CINCPAC msg 010200Z April 1966; JCS IN 92503).

a. Utmost caution will be exercised in attack of all targets, including those developed by armed recce, to avoid striking populated areas.

b. Collateral damage will be kept to a minimum consistent with the desired objective.

c. The following are not authorized targets for attack (unless otherwise directed):

(1) JCS Tgt. 39.21, Yen Phu Army Bks NE (now believed to be a leprosarium).

(2) Former JCS Tgt. 38, Vinh Army Bks Central NE, (now designated a population center).

(3) Locks and dams.

(4) Hydroelectric power plants.

(5) Watercraft which are obviously fishing boats or appear to be engaged in fishing.

(6) Clusters of sampans or houseboats in populated areas which are probably homes.

d. Restricted areas in which no attacks of any type are authorized (unless otherwise specifically directed):

(1) Within 30 NM of center of Hanoi. ✓

(2) Within 10 NM of center of Haiphong. ✓

(3) Zone along CHICOM border 30 NM wide from Laotian border to 106° E, and 25 NM wide from 106° E to Gulf of Tonkin.

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e. Flight paths for conducting strikes will not be closer than 20 NM of CHICOM border.

f. Aircraft in immediate pursuit may pursue into restricted target areas, but pursuit must stop at the Chinese communist border.

g. Aircraft in immediate pursuit will not attack SAM sites within 30 NM of Hanoi or North Vietnam air bases from which attacking aircraft may be operating.

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