

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

~~TOP SECRET SENSITIVE~~
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August 4, 1973

MEMORANDUM FOR MR. KISSINGER

FROM: The Situation Room

SUBJECT: Noon Notes

Justice Douglas Orders Bombing Halt: Supreme Court Justice Douglas today ordered a halt in the Cambodian bombing by vacating a stay imposed last week by a U.S. Appeals Court. In a brief opinion, Douglas wrote: "It has become popular to think the President has the power to declare war, but there is not a word in the Constitution that grants that power to him...it runs only to Congress." He added: "Certainly Congress did not...declare war against Cambodia and there is no one so reckless to say that the Cambodian forces are in an imminent and perilous threat to our shores." According to press reports, only a majority of the Court can overrule Douglas. By appealing his ruling, the Government might win a delay in implementation while the Court considers the case.

New In Tam Resignation Attempt: Charge Enders has moved forcefully to head off a new attempt by Cambodian Premier In Tam to resign. Provoked by a recent statement from Sosthene Fernandez that conscription abuses were caused by In Tam's Cabinet, the Premier informed Enders he would submit his resignation on August 2. Enders told In Tam his resignation would be unthinkable and subsequently induced Lon Nol, Matak, and Fernandez to agree to a soothing corrective statement. When questioned by Matak about Lon Nol's departure, Enders stated flatly that he does not favor any political changes immediately before or after August 15 but that the question of leadership could be addressed once the Khmer demonstrate they will survive. (Adams/Stearman)

ICCS Standdown: ICCS Chairman Dharsono told a Saigon Embassy officer August 1 that the ICCS does not plan to hold any plenary sessions until the arrival of a fourth-country delegation. He

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justified this inactivity by explaining that a two-to-one voting pattern would develop, with the Indonesian delegation unable to act effectively. As further justification, Dharsono pointed out that all delegations were "tired out from their strenuous work" and needed a rest. (Adams/Stearman)

All Leading Members of RGNUC Depart Peking: The U.S. Liaison Office in Peking reports that all the leading members of RGNUC are presently out of Peking. It was announced on August 1 that Sarin Chhak, RGNUC Minister of Foreign Affairs, was on an official visit to the Yemen Arab Republic. While passing the former French Embassy building -- where Sihanouk reportedly stays while in Peking -- Liaison Office officers noted there have been no signs of activity. There is no indication that Ieng Sary, the leading NUFC member in Peking, has left town.

Mao No Longer Great: Our Liaison Office in Peking observes that the news media in the PRC has deliberately departed from the usual description of Mao as the "great leader of the Chinese people" and simply referred to him as the "leader...." While our Liaison Office has not ascertained the exact reasoning behind the omission, it concludes that the change is particularly significant in view of the preparations now underway for the Party Congress.

NAC Burden Sharing: The North Atlantic Council (NAC) has directed that a working group study the burden-sharing problem and report in September. France's position on this urgent question is still not clear, but there are indications that it may be willing to share the cost. Presumably, if France chooses not to participate, it will declare the problem military, and thus subject to discussion by the Defense Planning Committee to which France is not a party. Then Paris would probably try to influence the negotiations through discussion of burden-sharing in the European Community political committee.

The French position may be softening. Foreign Minister Jobert indicated in June consultations in Bonn that France would consider participating if burden-sharing were a cash proposition involving only the difference between the cost of stationing U.S. troops in Europe and at home. France's emphasis on a

monetary solution probably reflects a desire to avoid the loss of arms sales by a solution emphasizing European purchases in the U.S.

East German Fighter Crashes: East German Air Force fighter crashes have risen sharply this year, with mechanical failure apparently the primary cause of the accidents. Thus far in 1973, eight aircraft have crashed; only seven were lost last year. Five of this year's crashes were assessed as mechanical failure, while three were attributed to pilot error. Of the 10 other crashes identified in 1971 and 1972, three were from mechanical failure, five were pilot error related, and two were from undetermined causes. All but one of the aircraft were probably MIG-21/Fishbed types.

Ugandan Reparations to Israel: President Amin is apparently considering payment to Israel for properties he confiscated last year, despite a Libyan request to deny restitution. Libyan President Qadhafi has threatened withdrawal of aid to Uganda if payments are made. He indicated the funds would ultimately be used by Israel to wage war against Arab countries. Qadhafi is also probably concerned that the Ugandan decision could be regarded by other Muslim nations as an invitation to waver in their opposition to Israel. Amin's independent attitude may result from internal pressure to reduce Arab influence or could be another example of his ambivalent and erratic behavior.

Washington Star-News: Richard Wilson writes that Republican Senators report a turning of the tide of opinion against the Watergate committee for mercilessly hounding the President, as well as a general boredom now that the principal witnesses have been heard. The President will issue his rebuttal and then will hold press conferences and congressional conferences on a reasonably regular basis. So far as the public is concerned, he will come out in the public again. Since no other direct accuser than John Dean has appeared, the President has perhaps his last chance to reverse public judgments on his involvement.