



THE JOINT STAFF

~~TOP SECRET~~

THE JOINT CHIEFS OF STAFF
WASHINGTON 25, D.C.

22 October 1962

File 0

MEMORANDUM FOR THE DEPUTY SECRETARY OF DEFENSE

Subject: Rules of Engagement

1. Attached herewith are six copies of information concerning Rules of Engagement for:

- a. Blockade
- b. Attack on armed merchant shipping
- c. Guantanamo

2. These are three of the four items you requested on 21 October 1962. The fourth item, [redacted] will be forwarded separately within the next hour.

In SAO material

HERBERT D. RILEY
Vice Admiral, USN
Director

EXEMPTED FROM DECLASSIFICATION
BY JOINT STAFF
EXEMPTION: 3012 958 (3.4(h)5)

DECLASSIFICATION BY JOINT STAFF
DATE: SEP 28 2000

~~TOP SECRET~~

FOIA(b) (5) Department of Defense
FOIA(b) (1) Department of Defense

Declassified Authority:
24453 By: Dorothy Johnson
Date: 04-25-2012

SANITIZED COPY
SENSITIVE
INFORMATION DELETED

RULES OF ENGAGEMENT

BLOCKAGE

1. General guidance for rules of engagement are contained in Section III, Part 6, of the Rules of Engagement Compendium, (appended as Tab A) with certain modification or additions indicated below as applicable specifically to the purposes of a Cuba blockade.

2. All ships which are designated by CINCLANT to be carrying prohibited material, will be subjected to "visit and search" in accordance with the procedures described in paragraph 502 of NWIP 10-2, (attached as Tab B), unless ships, upon being intercepted, signal their intention to divert to non-Cuban ports. Surveillance would be maintained over these ships to assure compliance with diversion as signaled. Non-compliance will result in stopping, boarding, and seizing of the ship for diversion into selected port.

3. The blockade would be carried out with minimum use of force. Visit and search would not be carried out as a belligerent right, but rather in the context of a quarantine. However, enforcement of the blockade may require force. Prior to use of force the intercepting ship will use all available means of communicating the order to stop - international code signals by flag hoist, blinking lights, radio, loudspeaker, etc. Failing to stop in response to any of these means would result in a shot being fired across the bow. If forced to engage, an attempt would be made to stop the ship by damage in non-vital areas, such as the rudder, and with minimum loss of life.

4. If necessary to destroy the ship, warning of intentions will be given, time will be provided for debarkation of passengers and crew, and maximum help, in accordance with operational conditions, would be rendered.

5. In carrying out the blockade, the intercepting ship will take the necessary actions to eliminate hostile interference to the task of visit and search. Specifically:

a. Any ships, including surface warships, armed merchant ships or submarines, which interfere with a U.S. ship engaged in visit and search will be treated as hostile and may be engaged to the extent required to terminate the interference.

b. Any ships, including surface warships, armed merchant ships, or

submarines, which place themselves in a position or take actions which can reasonably be considered as threatening a U.S. ship engaged in visit and search may be subjected to attack to the extent required to terminate the threat.

6. When air blockade is ordered by higher authority, every effort will be made to divert aircraft suspected of carrying prohibited cargo. If all efforts fail, the U.S. intercepting pilot will obtain specific instructions from his base or force commander covering engagement. Hot pursuit into Cuban territory is authorized only if U.S. forces have been attacked. In this regard, pursuit, attack, and destruction of any Cuban naval craft or aircraft, attacking or attempting to attack U.S. territory, shipping, aircraft, or naval unit would be authorized.

RULES OF ENGAGEMENT

ATTACK ON ARMED MERCHANT SHIPPING

1. Armed merchant ships suspected of carrying prohibited material will be treated in the same manner as an unarmed merchantman by the blockading ships. (See Rules of Engagement for Blockade.)

2. If the armed merchantman resists boarding, she will be engaged by the blockading ship to the extent necessary to bring her under the blockade mission. This will be accomplished with as little loss of life as possible.

3. Resistance in the extreme case will require destroying the ship. In this case, assistance will be rendered to survivors in accordance with existing operational conditions.

~~TOP SECRET~~

RULES OF ENGAGEMENT

GUANTANAMO

1. Maintain defensive positions within base limits unless attacked.
2. Any attack by land, sea, or air forces against Guantanamo Naval Base or against ships or aircraft approaching or leaving the base, will be countered by offensive action. Specifically the following actions are authorized:
 - a. If attacked by artillery and/or air, without accompanying ground attack, counter with all means available, e.g., counterbattery, naval gunfire, and aircraft.
 - b. If attacked by ground, air and artillery improve defensive positions by limited offensive actions to occupy high ground to the east and west of the present perimeter. Advanced defensive positions will be maintained until otherwise directed.
 - c. Defensive air is authorized the right of "hot pursuit."

~~TOP SECRET~~

SECTION III, WESTERN HEMISPHERE

Part 6

CUBA

1. Policy Pertaining to US Action in Event of Unprovoked Cuban Attack Against US Aircraft/Ships* (Approved** by the President on 7 November 1960).

"a. Subject to paragraph b below, in the event of unprovoked Cuban armed attack against US aircraft/ships outside Cuban territory, those US aircraft attacked or located in the immediate area of the attack may take against the Cuban attacking force during the course of the attack aggressive protective measures, including, if necessary and feasible, immediate pursuit of the Cuban attacking force into Cuban air space.

"b. The authority under paragraph a above, is subject to the following restrictions:

"(1) Such pursuit will not include prolonged pursuit deep into Cuban air space.

"(2) Commanders will not be authorized deliberately and systematically to organize a pursuing force.

"(3) This authority will apply only to sporadic isolated, small-scale incidents.

"(4) Pilots employed against harassing aircraft should be thoroughly briefed that in the event Cuban aircraft harass our forces they will:

"(a) Make their presence known to the harasser by flying close aboard.

"(b) Firing is not authorized except in case of self-defense or attack is made on our forces. It is imperative that fighter pilot be positively

* JCS 985951 of 17 November 1960 (Document Classified TOP SECRET)

** See JCS 2304/13

certain that either he or aircraft/ship that he has been dispatched to defend has actually been fired upon before he (the fighter) initiated an attack.

"(c) In event Cuban aircraft is guilty of harassment only and has not fired upon our forces, fighter in making presence known by flying close aboard will discontinue these tactics upon the Cuban aircraft's withdrawal to Cuban territorial waters (three miles offshore)."

2. Defense of Guantanamo Naval Base (Directive issued* by CINCLANT to subordinate commanders, noted** by the JCS on 12 December 1960).

"National Security Council has announced*** the following decision on question of whether or not defense actions at Naval Base, Guantanamo, are restricted to base boundaries; 'That the US should maintain the integrity of the Guantanamo Base in the event of a Cuban attack; and that the precise nature of the US response to such an attack could not be determined in advance, but that the US response should be of a degree and kind appropriate to the character of the attack.' This authority is interpreted to include (1) authority to return fire if appropriate and required (2) if attacked by military forces, extension of base defense operations if required to the commanding ground adjacent base boundaries from which artillery or mortar fire could interdict base operations and facilities, (3) use of available air, ground and naval firepower as required in support of base defense operations against attack by military forces, (4) authority to conduct defensive air and sea operations where required in support

* CINCLANT message to JCS, DTG 011347Z
Dec 60 (Document classified TOP SECRET)
** JCS 2304/16
*** See JCS 2304/14

~~TOP SECRET~~

of base defense operations against attack by military forces (5) authority to conduct necessary defensive anti-mob operations against attack by mobs. The degree of force applied in any situation will be appropriate to ensure adequate defensive measures. Stress is laid upon the words 'Defense Measures.' Decision as to application of force is to be made by Commander, Naval Base, Guantanamo."

~~TOP SECRET~~

502 VISIT AND SEARCH

a. OCCASIONS FOR EXERCISE. The belligerent right of visit and search may be exercised anywhere outside of neutral jurisdiction upon all merchant vessels and aircraft⁸ in order to determine their character (enemy or neutral), the nature of their cargo, the manner of their employment, or other facts which bear on their relation to the war. Historically, visit and search was considered the only legally acceptable method for determining whether or not a merchant vessel was subject to capture. It is now recognized that changes in warfare have rendered this method either hazardous or impracticable in many situations. In the case of enemy merchant vessels and aircraft and neutral merchant vessels and aircraft acquiring enemy character as described in the preceding article, the belligerent right of capture (and, exceptionally, destruction as described in paragraph 503b) need not be preceded by visit and search, provided that a positive determination of status can be obtained by other methods.⁹ Whether or not the right of visit and search may be exercised upon neutral merchant vessels under convoy of neutral war-

FOOTNOTES AT END OF CHAPTER

NW

ships of the same nationality remains an unsettled matter in State practice.¹⁰

b. METHODS OF VISIT AND SEARCH OF MERCHANT VESSELS.¹¹ In the absence of special instructions¹² issued during a period of armed conflict, the following procedure should be carried out:

1. In general, the belligerent right of visit and search should be exercised with all possible tact and consideration.
- ★2. Before summoning a vessel to lie to, a warship must hoist her own national flag. The summons should be made by firing a blank charge, by international flag signal, or by other recognized means. The summoned vessel, if a neutral, is bound to stop, lie to, and display her colors; if an enemy vessel, she is not so bound and legally may even resist by force, but she thereby assumes all risks of resulting damage. On the other hand, a neutral merchant vessel is obligated not to resist the belligerent right of visit and search.
3. If a summoned vessel takes to flight, she may be pursued and brought to, by forcible measures if necessary.
4. When a summoned vessel has been brought to, the warship should send a boat with an officer to conduct the visit and search. If practicable, a second officer should accompany the officer charged with the examination. The arming of the officers and of the boat's crew is left to the discretion of the commanding officer of the visiting vessel.
5. If visit and search at sea of a neutral merchant vessel is deemed hazardous or impracticable, the neutral vessel may be escorted by the summoning vessel or by another vessel or by aircraft to the

NWII

nearest place where search may be made conveniently.¹³ In this case, the neutral vessel should not be required to lower her flag, since she has not been captured, but she must proceed according to orders of the escorting vessel or aircraft.¹⁴ A neutral vessel disobeying a belligerent's orders may be captured and sent in for adjudication.

6. A boarding officer should first examine a ship's papers in order to determine her character, ports of departure and destination, nature of cargo and employment, and other facts deemed essential. The papers which are generally found on board a merchant vessel are:

- (a) Certificate of registry of nationality
- (b) Crew list
- (c) Passenger list
- (d) Log book
- (e) Bill of health
- (f) Clearance
- (g) Charter party, if chartered
- (h) Invoices or manifests of cargo
- (i) Bills of lading
- (j) A consular declaration certifying the innocence of the cargo may be included. (See Appendix G.)

7. The evidence furnished by papers against a vessel may be taken as conclusive. However, regularity of papers and evidence of innocence of cargo or destination furnished by them are not necessarily conclusive, and if any doubt exists the personnel of the vessel should be questioned and a search made, if practicable, of the ship or cargo. There are many circumstances which may raise legitimate doubt or suspicion. For example, if a vessel has deviated far

FOOTNOTES AT END OF CHAPTER.

from her direct course, this, if not satisfactorily explained, is a suspicious circumstance warranting search, however favorable the character of the papers. If search, under suspicious circumstances, does not satisfy a boarding officer of the innocence of a vessel, the vessel should be captured and sent in for adjudication. Even though a prize court may later order the release of the vessel, the commander sending the vessel in for adjudication acted properly if the result of visit and search appeared to furnish probable cause for capture.

8. When sending in a captured vessel as prize, the detailed prize procedures contained in *Instructions for Prize Masters and Special Prize Commissioners* (NAVEXOS P-825) are to be followed.¹⁴

9. Unless military security prohibits, the boarding officer must record the facts concerning the visit and search in the log book of the vessel visited, including the date when and the position where the visit occurred. The entry in the log book should be authenticated by the signature and rank of the boarding officer. (See Appendix H, Form No. 5.) Neither the name of the visiting vessel nor the name and rank of her commanding officer should be disclosed.