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EXECUTIVE OFFICE OF THE PRESIDENT
NATIONAL SECURITY COUNCIL

WASHINGTON

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January 5, 1959

MEMORANDUM FOR THE NATIONAL SECURITY COUNCIL

SUBJECT: "Hot Pursuit" and Pursuit Under the Doctrine
of Self-Preservation

REFERENCES: A. NSC 5604
B. NSC 5429/5, Par. 5.E

The enclosed draft editorial amendments of paragraph 5-F of NSC 5429/5, "Current U. S. Policy Toward the Far East," and of paragraphs 1 and 2-C of NSC 5604, "U. S. Action in the Event of Unprovoked Communist Attack Against U. S. Aircraft," submitted by the NSC Planning Board on the basis of recommendations by a committee of the legal officers of interested departments and agencies, are transmitted herewith for consideration by the National Security Council.

The report by the committee of legal officers and a JCS study on the subject are also enclosed for the information of the Council.

The enclosed draft editorial amendments are not intended to make a substantive change in U. S. policies stated in NSC 5429/5 and NSC 5604; but are designed to eliminate an ambiguity which arises from the text, as pointed out in the enclosed committee report, that the term "hot pursuit" has a traditional, doctrinal meaning in international law more restrictive than the meaning obviously intended in NSC 5429/5 and NSC 5604, and that the term may also be used in a non-legal context with regard to activities and situations other than those envisaged by the original doctrine of international law.

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