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GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
Washington 25, D. C.

December 2, 1958

MEMORANDUM FOR MR. HAYDN WILLIAMS
DEPUTY ASSISTANT SECRETARY - ISA

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

Pursuant to the recommendations of the NSC Planning Board communicated to me by your memorandum of 5 November 1958, a meeting under the chairmanship of the Assistant General Counsel for International Affairs (Mr. Monroe Leigh) was held on Wednesday, November 19, 1958, to discuss a study of the above subject submitted to the Board by the Acting JCS Adviser.

The meeting was attended by representatives of the legal offices of the Departments of Treasury, Justice, Defense, Navy and the Office of Civil and Defense Mobilization. The Department of State was not represented, but since the meeting the matter has been taken up with the Legal Adviser's office of that agency and it is in agreement with the course of action recommended by the others and summarized below.

It was agreed that, as pointed out in the JCS study under consideration, the term "Hot Pursuit" has a traditional, doctrinal meaning in international law which is more restrictive than the meaning obviously intended in the two NSC papers. There was also agreement that the term may also be used in a non-legal context with regard to activities and situations other than those directly envisaged by the original doctrine of international law. This variety of usage has caused a certain amount of confusion regarding the true meaning of the term "Hot Pursuit", and, insofar as it describes a particular principle of international law, confusion as to its relationship to other principles, especially the doctrine of self-defense or self-preservation.

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