

taken into custody, those which fail to respond or comply, that is, which defy the blockade, and those which have material on them, those that don't go back.

McDonald: Well, we don't take them into custody, if they have material on board, unless they fail to comply with the directive.

Robert Kennedy: Well, we thought maybe in 48 hours we might reconsider that.

McDonald: Well, this would completely change the foundation on that.

Bundy: Now, the reason for custody is failing, to refuse, to respond or comply. That's the legal position in this paragraph as it now stands. Do you want to change that?

Sorensen: Well, as I say, it's a minor technical point, but the first point you're talking about is that there are those that, you hail the ship, and they refuse to comply. The second is [*unclear*] these vessels actually have the material on board.

President Kennedy: Is there any objection to the change?

McDonald: No objection to this change.

President Kennedy: Well, let's change it then.⁴⁰

Now, the only question I come back to again is whether in a proclamation of this kind, whether we want to name . . . What we're going to do is stop the introduction of offensive military weapons into Cuba. Is it important whether we leave in or out [naming] the Sino-Soviets anywhere? [*Unclear*] it'll put us in a somewhat cleaner basis if we're just going to stop the introduction of weapons, whether they come from . . . We know they're coming, but is it more . . . Does it hit them harder to name them in a way which may not be desirable? Is this more challenging than if we [*unclear*]?⁴¹

Rusk: Well, we've apparently spread all over the world now. And these other weapons, a cruiser for Chile for example, wouldn't be looked upon as an offensive weapon. [*Unclear.*]

40. With the change, this portion of the proclamation read: "Any vessel or craft which fails or refuses to respond to or comply with directions shall be subject to being taken into custody. Any vessel or craft which it is believed is en route to Cuba and may be carrying prohibited materiel . . . shall, wherever possible, be directed to proceed to another destination of its own choice and shall be taken into custody if it fails or refuses to obey such direction."

41. President Kennedy was trying to decide whether it was necessary to specify a national origin of the prohibited weapons. In other words, was it too confrontational, or necessary, to specify that Sino-Soviet weapons were prohibited, or could weapons just be identified by type or category?