

84TH CONGRESS }
1st Session }

SENATE

{REPORT
{No. 13

AUTHORIZING THE PRESIDENT TO EMPLOY
THE ARMED FORCES OF THE UNITED
STATES FOR PROTECTING THE SECURITY
OF FORMOSA, THE PESCADORES, AND
RELATED POSITIONS AND TERRITORIES
OF THAT AREA

REPORT
OF THE
COMMITTEE ON FOREIGN RELATIONS
AND THE
COMMITTEE ON ARMED SERVICES
ON
S.J. Res. 28



JANUARY 26, 1955.—Ordered to be printed with an illustration

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II

Calendar No. 7

84TH CONGRESS }
1st Session }

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No. 13 }

AUTHORIZING THE PRESIDENT TO EMPLOY THE ARMED FORCES
OF THE UNITED STATES FOR PROTECTING THE SECURITY OF
FORMOSA, THE PESCADORES, AND RELATED POSITIONS AND
TERRITORIES OF THAT AREA

JANUARY 26, 1955.—Ordered to be printed with an illustration

Mr. GEORGE, from the Committee on Foreign Relations, submitted
the following

R E P O R T

[To accompany S. J. Res. 28]

The Committee on Foreign Relations and the Committee on Armed Services, hereinafter referred to as the "joint committee," having had under consideration the President's message of January 24, 1955, recommending action to meet certain threats to the peace and security of the United States, and Senate Joint Resolution 28, report the resolution supporting the President in his recommendations, and recommend that it do pass.

PURPOSE OF RESOLUTION

It is the purpose of this resolution to make it clear that it is essential to the vital interests of the United States that Formosa and the Pescadores remain in friendly hands and that the President of the United States is authorized to employ the Armed Forces of this Nation for that purpose.

BACKGROUND

Formosa was ceded by China to Japan after the Sino-Japanese War of 1895. At the Cairo Conference in 1943, the President of the United States, the Prime Minister of the United Kingdom, and the Generalissimo of the Republic of China declared their purpose to be that—

Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the First World War in 1914, and that all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and the Pescadores, shall be restored to the Republic of China.

Administrative control of the island was turned over to the Republic of China after the Japanese surrender in September 1945.

In December 1949, after the Chinese Communists had obtained control of practically all of the Chinese mainland, the National Government of China established its seat on Formosa. Some hostilities continued between the Nationalist and Communist forces on the mainland.

President Truman outlined American policy toward Formosa at his January 5, 1950, press conference in the following language:

The United States has no predatory designs on Formosa or on any other Chinese territory. The United States has no desire to obtain special rights or privileges or to establish military bases on Formosa at this time. Nor does it have any intention of utilizing its Armed Forces to interfere in the present situation. The United States Government will not pursue a course which will lead to involvement in the civil conflict in China.



The New York Times Jan. 25, 1950
DEFENSE IN THE WESTERN PACIFIC: President Eisenhower asked Congress for authority to use the armed forces to defend Formosa (black area) and the near-by Pescadores.

On June 25, 1950 the North Korean Communists launched their aggression against the Republic of Korea. On June 27, 1950, when ordering United States air and naval forces to give Korean forces cover and support, President Truman stated:

The attack upon Korea makes it plain beyond all doubt that communism has passed beyond the use of subversion to conquer independent nations and will now use armed invasion and war. It has defied the orders of the Security Council of the United Nations issued to preserve international peace and security. In those circumstances the occupation of Formosa by Communist forces would be a direct

threat to the security of the Pacific area and to United States forces performing their lawful and necessary functions in that area.

Accordingly I have ordered the 7th Fleet to prevent any attack on Formosa. As a corollary of this action I am calling upon the Chinese Government on Formosa to cease all air and sea operations against the mainland. The 7th Fleet will see that this is done. The determination of the future status of Formosa must await the restoration of security in the Pacific, a peace settlement with Japan, or consideration by the United Nations.

By article 2 (b) of the peace treaty with Japan, signed on September 8, 1951, "Japan renounces all right, title and claim to Formosa and the Pescadores." The report of the Committee on Foreign Relations discussed the territorial provisions of the peace treaty in the following words:

During the negotiation of the treaty some of the Allied Powers expressed the view that article 2 of the treaty should not only relieve Japan of its sovereignty over the territories in question but should indicate specifically what disposition was to be made of each of them. The committee believes, however, that this would have been an unwise course to pursue. It might have raised differences among the Allies which would have complicated and prolonged the conclusion of the peace. Under the circumstances it seems far better to have the treaty enter into force now, leaving to the future the final disposition of such areas as South Sakhalin, and the Kuriles.

In his first state of the Union address on February 2, 1953, President Eisenhower expressed the views of the administration on Formosa as follows:

In June 1950, following the aggressive attack on the Republic of Korea, the United States Seventh Fleet was instructed both to prevent attack upon Formosa and also to insure that Formosa should not be used as a base of operations against the Chinese Communist mainland.

This has meant, in effect, that the United States Navy was required to serve as a defensive arm of Communist China. Regardless of the situation in 1950, since the date of that order the Chinese Communists have invaded Korea to attack the United Nations forces there. They have consistently rejected the proposals of the United Nations Command for an armistice. They recently joined with Soviet Russia in rejecting the armistice proposal sponsored in the United Nations by the Government of India. This proposal had been accepted by the United States and 53 other nations.

Consequently there is no longer any logic or sense in a condition that required the United States Navy to assume defensive responsibilities on behalf of the Chinese Communists. This permitted those Communists, with greater impunity, to kill our soldiers and those of our United Nations allies in Korea.

I am, therefore, issuing instructions that the Seventh Fleet no longer be employed to shield Communist China. Permit me to make crystal clear, this order implies no aggressive intent on our part. But we certainly have no obligation to protect a nation fighting us in Korea.

On July 27, 1953, an armistice was concluded in Korea. In December 1953 preliminary consideration was given to a mutual defense treaty with the Republic of China. After the conclusion of the Southeast Asia Collective Defense Treaty in September 1954, the negotiations with the Republic of China were speeded up and on December 2, 1954, the treaty was signed. It was submitted to the Senate on January 6, 1955, where it is now pending.

Under article II the parties agree that they—

separately and jointly by self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and Communist subversive activities directed from without against their territorial integrity and political stability.

Under article V it is provided that—

Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace

and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

Both of these articles, by article VI, are made applicable to Taiwan and the Pescadores and the island territories in the west Pacific under the jurisdiction of the United States. They are also made applicable "to such other territories as may be determined by mutual agreement."

At a press conference on December 1, 1954, Secretary of State Dulles responded to questions raised on this problem in a manner indicated by the following excerpts from a Department of State press release:

At his news conference on December 1, Secretary Dulles was asked a series of questions relating to the purpose of the treaty with the Republic of China. Asked to clarify the provision for the inclusion of other territories, Mr. Dulles replied:

The provision [article VI] is comparable to the provision in the Korean treaty. Where there is a country which we recognize and which claims rightful sovereignty over more territory than it actually controls, there we adopted the practice of providing by the treaty that it can be extended to other territory, and in the Korean treaty we provide that initially it covers the area which is south of the armistice line but that it can be extended to other territory at a later date. The provision is comparable in this respect with regard to the Republic of China. That has reference not only to these offshore islands but possibly to other territory which might come under the effective control of the Republic of China.

Asked about the position of the United States with respect to the offshore islands, Mr. Dulles replied:

The position on the offshore islands is unaffected by this treaty. Their status is neither promoted by the treaty nor is it demoted by the treaty. As I have said several times, the injunction to our Armed Forces is to defend Formosa and the Pescadores. Now, whether or not in any particular case the defense of these offshore islands by reason of the nature of those islands or the nature of the attack against them is such that it is deemed part of the defense of Formosa, that would be a matter which on the first instance at least the military people would advise, and the President would probably make the final decision.

The question of the status of the offshore islands began to become acute as early as September 1954 when the Chinese Communists bombarded Quemoy Island. On January 17, they launched air attacks on Ichiang Island and the Tachen Islands. Ichiang fell to the Communists under an amphibious assault on January 18.

THE PRESIDENT'S MESSAGE

On January 20, the President consulted with certain representative leaders of the Congress with respect to the situation developing in the Formosan area. On January 24, 1955, he sent the following message to Congress:

To the Congress of the United States:

The most important objective of our Nation's foreign policy is to safeguard the security of the United States by establishing and preserving a just and honorable peace. In the Western Pacific a situation is developing in the Formosa Straits that seriously imperils the peace and our security.

Since the end of Japanese hostilities in 1945, Formosa and the Pescadores have been in the friendly hands of our loyal ally, the Republic of China. We have recognized that it was important that these islands should remain in friendly hands. In unfriendly hands, Formosa and the Pescadores would seriously dislocate the existing, even if unstable, balance of moral, economic, and military forces upon which the peace of the Pacific depends. It would create a breach in the island chain of the Western Pacific that constitutes, for the United States and other free nations, the geographical backbone of their security structure in

that ocean. In addition, this breach would interrupt north-south communications between other important elements of that barrier, and damage the economic life of countries friendly to us.

The United States and the friendly Government of the Republic of China, and indeed all the free nations, have a common interest that Formosa and the Pescadores should not fall into the control of aggressive Communist forces.

Influenced by such considerations, our Government was prompt, when the Communists committed armed aggression in Korea in June 1950, to direct our Seventh Fleet to defend Formosa from possible invasion from the Communist mainland.

These considerations are still valid. The Seventh Fleet continues under Presidential directive to carry out that defensive mission. We also provide military and economic support to the Chinese Nationalist Government and we cooperate in every proper and feasible way with that Government in order to promote its security and stability. All of these military and related activities will be continued.

In addition, there was signed last December a Mutual Defense Treaty between this Government and the Republic of China, covering Formosa and the neighboring Pescadores. It is a treaty of purely defensive character. That treaty is now before the Senate of the United States.

Meanwhile Communist China has pursued a series of provocative political and military actions, establishing a pattern of aggressive purpose. That purpose, they proclaim, is the conquest of Formosa.

In September 1954 the Chinese Communists opened up heavy artillery fire upon Quemoy Island, one of the natural approaches to Formosa, which had for several years been under the uncontested control of the Republic of China. Then came air attacks of mounting intensity against other free China islands, notably those in the vicinity of the Tachen group to the north of Formosa. One small island (Ichiang) was seized last week by air and amphibious operations after a gallant few fought bravely for days against overwhelming odds. There have been recent heavy air attacks and artillery fire against the main Tachen Islands themselves.

The Chinese Communists themselves assert that these attacks are a prelude to the conquest of Formosa. For example, after the fall of Ichiang, the Peiping radio said that it showed a "determined will to fight for the liberation of Taiwan [Formosa]. Our people will use all their strength to fulfill that task."

Clearly, this existing and developing situation poses a serious danger to the security of our country and of the entire Pacific area and indeed to the peace of the world. We believe that the situation is one for appropriate action of the United Nations under its charter, for the purpose of ending the present hostilities in that area. We would welcome assumption of such jurisdiction by that body.

Meanwhile, the situation has become sufficiently critical to impel me, without awaiting action by the United Nations, to ask the Congress to participate now, by specific resolution, in measures designed to improve the prospects for peace. These measures would contemplate the use of the Armed Forces of the United States if necessary to assure the security of Formosa and the Pescadores.

The actions that the United States must be ready to undertake are of various kinds. For example, we must be ready to assist the Republic of China to re-deploy and consolidate its forces if it should so desire. Some of these forces are scattered throughout the smaller offshore islands as a result of historical rather than military reasons directly related to defending Formosa. Because of the air situation in the area, withdrawals for the purpose of redeployment of Chinese Nationalist forces would be impractical without assistance of the Armed Forces of the United States.

Moreover, we must be alert to any concentration or employment of Chinese Communist forces obviously undertaken to facilitate attack upon Formosa, and be prepared to take appropriate military action.

I do not suggest that the United States enlarge its defensive obligations beyond Formosa and the Pescadores as provided by the treaty now awaiting ratification. But, unhappily, the danger of armed attack directed against that area compels us to take into account closely related localities and actions which, under current conditions, might determine the failure or the success of such an attack. The authority that may be accorded by the Congress would be used only in situations which are recognizable as parts of, or definite preliminaries to, an attack against the main positions of Formosa and the Pescadores.

Authority for some of the actions which might be required would be inherent in the authority of the Commander in Chief. Until Congress can act I would not

hesitate, so far as my constitutional powers extend, to take whatever emergency action might be forced upon us in order to protect the rights and security of the United States.

However, a suitable congressional resolution would clearly and publicly establish the authority of the President as Commander in Chief to employ the Armed Forces of this Nation promptly and effectively for the purposes indicated if in his judgment it became necessary. It would make clear the unified and serious intentions of our Government, our Congress, and our people. Thus it will reduce the possibility that the Chinese Communists, misjudging our firm purpose and national unity, might be disposed to challenge the position of the United States, and precipitate a major crisis which even they would neither anticipate nor desire.

In the interest of peace, therefore, the United States must remove any doubt regarding our readiness to fight, if necessary, to preserve the vital stake of the free world in a free Formosa, and to engage in whatever operations may be required to carry out that purpose.

To make this plain requires not only Presidential action but also congressional action. In a situation such as now confronts us, and under modern conditions of warfare, it would not be prudent to await the emergency before coming to the Congress. Then it might be too late. Already the warning signals are flying.

I believe that the threatening aspects of the present situation, if resolutely faced, may be temporary in character. Consequently, I recommend that the resolution expire as soon as the President is able to report to the Congress that the peace and security of the area are reasonably assured by international conditions, resulting from United Nations action or otherwise.

Again I say that we would welcome action by the United Nations which might, in fact, bring an end to the active hostilities in the area. This critical situation has been created by the choice of the Chinese Communists, not by us. Their offensive military intent has been flaunted to the whole world by words and by deeds. Just as they created the situation, so they can end it if they so choose.

What we are now seeking is primarily to clarify present policy and to unite in its application. We are not establishing a new policy. Consequently, my recommendations do not call for an increase in the Armed Forces of the United States or any acceleration in military procurement or levels of defense production. If any unforeseen emergency arises requiring any change, I will communicate with the Congress. I hope, however, that the effect of an appropriate congressional resolution will be to calm the situation rather than to create further conflict.

One final point: The action I request is, of course, no substitute for the treaty with the Republic of China which we have signed and which I have transmitted to the Senate. Indeed, present circumstances make it more than ever important that this basic agreement should be promptly brought into force, as a solemn evidence of our determination to stand fast in the agreed treaty area and to thwart all attacks directed against it. If delay should make us appear indecisive in this basic respect, the pressures and dangers would surely mount.

Our purpose is peace. That cause will be served if, with your help, we demonstrate our unity and our determination. In all that we do we shall remain faithful to our obligations as a member of the United Nations to be ready to settle our international disputes by peaceful means in such a manner that international peace, and security, and justice, are not endangered.

For the reasons outlined in this message, I respectfully request that the Congress take appropriate action to carry out the recommendations contained herein.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, January 24, 1955.

COMMITTEE ACTION

The President's message of January 24 and Senate Joint Resolution 28, introduced to give effect to his recommendations, were by unanimous consent referred jointly to the Committee on Foreign Relations and the Committee on Armed Services for consideration, study, and submission of recommendations to the Senate. During the afternoon of January 24, the joint committee, under the chairmanship of Senator George, heard Secretary of State Dulles in executive session. On January 25 in executive session it heard Adm. Arthur W. Radford, Chairman of the Joint Chiefs of Staff, Gen. Matthew B. Ridgway,

Chief of Staff of the Army, Gen. Nathan F. Twining, Chief of Staff of the Air Force, Adm. Robert B. Carney, Chief of Naval Operations, and Gen. Lemuel C. Shepherd, Jr., Commandant of the Marine Corps.

The committee met again on January 26 to consider action on the pending resolution. An amendment offered by Senator Humphrey to further limit the geographic scope of the resolution was rejected by a vote of 8 yeas to 20 nays with 2 absent. A second amendment in the nature of a substitute offered by Senator Kefauver was rejected by a vote of 8 yeas to 20 nays with 2 absent. Subsequently, the committee by a vote of 27 to 2 with 1 absent agreed to report favorably Senate Joint Resolution 28 to the Senate, without amendment.

REASONS FOR THE RESOLUTION

The President, in his message to the Congress recommending the enactment of the pending resolution, stated that—

The most important objective of our Nation's foreign policy is to safeguard the security of the United States by establishing and preserving a just and honorable peace. In the western Pacific, a situation is developing in the Formosa Straits, that seriously imperils the peace and our security.

The recent action of the Chinese Communist Government in attacking the Tachen group of islands and its statements to the effect that "the Government of the People's Republic of China * * *" is "determined to liberate their own territory of Taiwan" indicate that the Chinese Communists are contemplating the use of force to capture Formosa and neighboring islands. Probing operations are underway to test the determination of the Republic of China and the United States in their resolve to prevent Formosa and the Pescadores from falling into unfriendly hands. Under these circumstances, the President in his message stated:

In the interest of peace, therefore, the United States must remove any doubt regarding our readiness to fight, if necessary, to preserve the vital stake of the free world in a free Formosa, and to engage in whatever operations may be required to carry out that purpose.

The resolution is designed to stabilize the area by spelling out the action the United States will take to protect Formosa and the Pescadores against armed attack. If we make our intentions clear now, we may avert more serious consequences at a later time. This resolution underlines the fact that the President has the full support of Congress in the use of the Armed Forces in the protection of our vital interests in this area.

THE RISKS INVOLVED

The course of action to which this resolution commits the United States is not without danger. There is the possibility, for example, that the Chinese Communist regime may think that our action is a bluff. Should the Communist regime proceed on that assumption, the American people must realize that under this resolution the President of the United States could use the Armed Forces of the United States in the defense of Formosa, the Pescadores, and "such related positions and territories of that area now in friendly hands." Indeed, the resolution is broad enough in its language so that the President, if he finds it necessary, might take appropriate action in the area in the event Chinese Communist forces should be grouped in such a way

as to present a clear and immediate threat to the security of Formosa or the Pescadores. This resolution would be indicative of congressional support for such action.

The question was raised during joint committee consideration of the pending resolution as to whether action taken by the United States under these circumstances might bring into effect the Soviet-Chinese Treaty of February 14, 1950. Article I of that treaty provides in part:

In the event of one of the High Contracting Parties being attacked by Japan or states allied with it, and thus being involved in a state of war, the other High Contracting Party will immediately render military and other assistance with all the means at its disposal.

There is, of course, a possibility that the Chinese Communists might seek to invoke the treaty for the purpose of enlisting the support of the Soviet Union. This is a calculated risk which the United States must take. Two points should be noted in this connection, however. In the first place it is not the intention of the United States to take aggressive action against any country. In the second place, the language of the Soviet-Chinese Treaty is open to widely different interpretations. The executive branch indicated to the joint committee that it very much doubts whether the terms of the treaty would be invoked even if further difficulties should arise between the United States and Communist China.

THE INTEREST OF THE UNITED NATIONS

Members of the joint committee are hopeful that the United Nations might soon be in a position to take appropriate action to bring an end to hostilities in the Formosan Straits. The committee ventures to express such a hope despite the fact that the Peiping radio on January 25 stated that—

Taiwan is an inalienable part of China's territory. The liberation of Taiwan is a matter of China's sovereignty and internal affairs. No outside interference is allowed.

The joint committee agrees with the President who stated that he would "welcome action by the United Nations which might, in fact, bring an end to the active hostilities in the area." The joint committee cannot agree that the use of force in this area is a matter of domestic concern to the Government of the Republic of China or to the Chinese Communist Government. The use of force, under the circumstances existing in that area, threatens the peace of the Western Pacific and the whole Far East. The joint committee questioned Mr. Dulles closely as to whether a solution might be forthcoming in the near future in the United Nations. The Secretary indicated that this Government would do its utmost to encourage and support the United Nations in bringing a cease-fire into effect in this area.

Whatever the origin of hostilities between the island of Formosa and the China mainland, the fact is that they endanger the peace of the world. The joint committee did not believe that legalistic arguments should prevent this Government and the United Nations from taking such action as might be necessary to preserve peace in the area.

GEOGRAPHIC SCOPE OF RESOLUTION

It should be noted that the resolution provides that the authority of the President is to include "the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures" as he judges are appropriate to assure the defense of Formosa and the Pescadores.

In this connection, members of the joint committee raised a number of questions about the desirability of establishing specific geographic limits within which the resolution might apply. Potential aggressors might then be put on notice that any aggression within the specific area would be met by the armed might of the United States.

Both Secretary Dulles and Admiral Radford testified at some length against the desirability of listing the individual islands covered by the resolution or spelling out in concrete terms the latitude and longitude of the areas to be defended. The joint committee agrees that, in this particular instance at least, it would seem unwise to define too precisely the geographic scope of the resolution. Such action might handicap our country by depriving it of flexibility that may be needed to meet unforeseen situations that might arise in the future.

THE POWERS OF THE PRESIDENT

During committee hearings certain questions were raised as to whether or not it was necessary for the President to seek congressional authority for the action proposed. There was some difference of opinion among committee members with respect to this matter which is one of the most difficult problems in the whole field of constitutional law. It was felt, however, that this is essentially a matter of domestic concern and should not affect the principal purpose underlying the resolution which is to make unequivocally clear that the Congress supports whatever action the President may find necessary to take to be sure that Formosa and the Pescadores do not fall into unfriendly hands.

In this connection, the joint committee noted that the resolution does not enter into the field of controversy over the relative powers of the President and the Congress. It does call for the two branches of the Government to stand together in the face of a common danger. With such unity there can be no question that the necessary constitutional powers exist for such action as may be required to meet the kind of emergency contemplated by the resolution.

JOINT COMMITTEE RECOMMENDATION

The joint committee, regardless of the collateral issues that were raised and considered during executive hearings, believes that it is in the vital interests of the United States to support the President of the United States in the action he finds necessary to defend United States interests in Formosa and the Pescadores. It recommends that the Senate approve the pending resolution.

APPENDIX

[S. J. Res. 28, 84th Cong., 1st sess.]

JOINT RESOLUTION

Authorizing the President to employ the Armed Forces of the United States for protecting the security of Formosa, the Pescadores and related positions and territories of that area

Whereas the primary purpose of the United States, in its relations with all other nations, is to develop and sustain a just and enduring peace for all; and

Whereas certain territories in the West Pacific under the jurisdiction of the Republic of China are now under armed attack, and threats and declarations have been and are being made by the Chinese Communists that such armed attack is in aid of and in preparation for armed attack on Formosa and the Pescadores,

Whereas such armed attack if continued would gravely endanger the peace and security of the West Pacific area and particularly of Formosa and the Pescadores; and

Whereas the secure possession by friendly governments of the Western Pacific Island chain, of which Formosa is a part, is essential to the vital interests of the United States and all friendly nations in or bordering upon the Pacific Ocean; and

Whereas the President of the United States on January 6, 1955, submitted to the Senate for its advice and consent to ratification a Mutual Defense Treaty between the United States of America and the Republic of China, which recognizes that an armed attack in the West Pacific area directed against territories, therein described, in the region of Formosa and the Pescadores, would be dangerous to the peace and safety of the parties to the treaty: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.

This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress.

