

1964

CONGRESSIONAL RECORD — SENATE

17815

ments of the Senate to the bill (H.R. 8611) to facilitate the performance of medical research and development within the Veterans' Administration, by providing for the indemnification of contractors.

MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY IN SOUTH-EAST ASIA

Mr. MANSFIELD. Mr. President, I ask that the Vietnam resolution be laid before the Senate. It has been cleared with the chairmen of the Committee on Foreign Relations and the Committee on Armed Services, with the ranking members of those committees, with the distinguished minority leader [Mr. DIRKSEN], and with the distinguished senior Senator from Oregon [Mr. MORSE], who is interested in the subject.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the joint resolution (S.J. Res. 189) to promote the maintenance of international peace and security in southeast Asia.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Mr. President, is it agreed that a vote on the treaty with Belgium will be had at 2 o'clock?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Mr. President, is it further understood that it is the intention to call up the so-called Vietnam resolution following the vote on the treaty?

Mr. MANSFIELD. Mr. President, I wish to make a few remarks on the Vietnam resolution.

The President has acted against repeated Communist provocations in the Tonkin Gulf. He has acted in the hope of preventing an expansion of the conflict in Asia, in the hope of minimizing the American involvement on that continent.

He has weighted the degree of military response to the degree of military provocation. He has taken military steps for legitimate defense and, at the same time, he has brought the matter to the conference tables of the United Nations, as a matter of urgency in connection with the maintenance of world peace.

He has counseled with the congressional leadership, the relevant committee chairmen and ranking minority members and the Republican candidate for President. Two nights ago he informed the entire Nation of his action.

The President, in short, has acted with a cool head and a steady hand in a most critical situation. He has acted as the leader of a great free nation, fully aware of a great nation's responsibilities to itself, to freedom, and to the peace of the world.

Let no man make light of what has been done in the past 72 hours. What

has been done is no automatic or certain solution to the difficulties. A reasoned approach to this situation on our part is no assurance that others will have the same capacity. Our own restraint is no guarantee of the restraint of others. Our wish for peace is not necessarily the wish of others.

But the President has acted in the hope of restraining the dogs of war. It remains to be seen, now, whether others will act in the same fashion. Escalators go up as well as down and, in this instance, our hand is not the only hand on the control. We hope for the best. But let us also be prepared for the worst. The situation may well become more critical—far more critical—before its resolution becomes visible.

One would hope that those who have acted with provocation will now cease so to act. One would hope that the United Nations will be helpful. One would hope that those nations deeply concerned but not directly involved in Indochina will redouble their efforts to find a peaceful solution to all of the difficulties which have beset the peninsula for almost two decades and ourselves for 10 years.

But those are matters which are not in our own hands alone. For us, it is sufficient at this time to know that the President has set a course for the best interests of the Nation, for Democrats and Republicans alike, for the Government and people of the United States. He asks for and he will have, in this endeavor, the support of the Congress and the people of the United States. Let there be no doubt of that in any nation in Asia or in any part of the world. What needs to be done to defend ourselves will be done. What can be done by us to give human freedom a chance in southeast Asia will be done. It will be done not alone by the President. It will be done not alone by the armed services which he commands. It will be done not alone by Democrats or by Republicans. It will be done by an entire Nation united in their trust and in their support of the President of the United States.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to correct the text of the resolution. There was a technical mistake, an omission on line 10, page 2, as follows, following the words "consonant with the Constitution," the words "of the United States" were inadvertently left out. It is perfectly obvious that it was the Constitution of the United States that was being referred to. I ask unanimous consent that it be corrected.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. FULBRIGHT. Mr. President, pursuant to the order of the Senate on yesterday, the Committee on Armed Forces, headed by the distinguished Senator from Georgia [Mr. RUSSELL], and the Committee on Foreign Relations met jointly this morning to take testimony on Senate Joint Resolution 189.

Mr. President, I recommend the prompt and overwhelming endorsement of the resolution now before the Senate. The resolution, which has been approved by the Committees on Foreign Relations and Armed Services with only one dis-

senting vote, endorses the wise and necessary action of President Johnson in ordering the 7th fleet and its air units to take appropriate measures in response of the unprovoked attacks on American naval vessels by North Vietnamese torpedo boats. The resolution further expresses the approval and support of the Congress for the determination of the President to take such action as may be necessary, now and in the future, to restrain or repel Communist aggression in southeast Asia.

The action taken by the United States in retaliation for the North Vietnamese torpedo boat attacks must be understood both in terms of the immediate situation and in terms of the broader pattern of Communist military and subversive activities in southeast Asia over the past 10 years. On both levels the North Vietnamese regime is patently guilty of military aggression and demonstrably in contempt of international law.

As stated in the report of the joint committee on the resolution:

The North Vietnamese campaign against the South has increased in scope and tempo. It has added a new dimension to traditional concepts of warfare and aggression—the dimension of subversion and terror on a planned, centrally directed, and coordinated basis. This new kind of aggression is not symbolized by armies marching across frontiers with bands playing and flags waving. But it is no less outrageous international behavior.

The facts of the immediate situation are clear. On August 2 the U.S. destroyer *Maddox* was attacked without provocation by North Vietnamese torpedo boats in international waters in the Gulf of Tonkin. The American vessel, with the support of aircraft from the U.S.S. *Ticonderoga*, fired back in self-defense and drove off the attackers. The United States thereupon warned the Hanoi regime of "grave consequences" in the event of further military attacks on American forces. On August 4 the *Maddox* and another destroyer, the *C. Turner Joy*, were again attacked by North Vietnamese torpedo boats in international waters. The attack, which lasted for over 2 hours, was without any doubt a calculated act of military aggression. The United States thereupon responded with air strikes against North Vietnamese torpedo boats and their supporting facilities at various points on the coast of North Vietnam.

The American action was limited and measured in proportion to the provocation which gave rise to it. It was an act of self-defense wholly consistent with article 51 of the United Nations Charter and an act of limited retaliation wholly consistent with the international law of reprisal. The single, most notable fact about the American action was its great restraint as an act of retaliation taken by a great power in response to the provocation of a small power.

The action taken by the United States was appropriate as policy as well as justified in law. An act of unambiguous aggression cannot be tolerated or ignored without inviting further provocations, especially when the act is committed by a regime which has been engaged in con-

sistent and repeated aggression against its neighbor states.

Has the attacks on the *Madbox* and the *C. Turner Joy* been isolated occurrences it might have been appropriate to respond by a lesser act of force than that employed, or even by measures short of force. This, however, is not the case. The North Vietnamese regime has made an international career of aggression almost since its inception in 1954. Certainly supported and quite possibly incited by Communist China, North Vietnam has persistently engaged in subversion and more direct hostilities against the duly constituted governments of both Laos and South Vietnam. It has done these things in gross violation of the Geneva Agreement of 1954 and of the Geneva Agreement of 1962 pertaining to Laos. It has done these things in violation of international law, in contempt of the United Nations Charter, in malice toward its neighbors, and in reckless disregard of the requirements of peace in southeast Asia.

Under these circumstances, it was incumbent upon the United States to act, as it did, in a manner proportionate to the provocation. Viewed in the context of the immediate provocation, the retaliatory measures taken by the United States were necessary and justified. Viewed in the context of a decade of reckless and irresponsible behavior on the part of the North Vietnamese regime, the action taken by the United States was the minimum consistent with its own vital interests and with its obligations to its allies and partners in southeast Asia.

The situation in southeast Asia illustrates an extremely important principle of foreign policy—that the challenges which confront us in the world are widely varying in character and intensity and must be dealt with accordingly by a wide variety of instruments and policies. Just as it is a mistake to assert that force is the only proper response to every challenge of Communist power, it is no less a mistake to assert that military action is never a necessary instrument of policy. Whatever the outcome of the present crisis in southeast Asia, it is important for us to refrain from making sweeping generalizations as to both the provocation and our response to it. Special combinations of circumstances suggest special patterns of response, which may or may not be valid in different situations.

The point which I wish to make is that while we must be consistent in the objectives of our foreign policy, we must be flexible in the instruments we use to attain them. We must bear in mind that military force is not an end but an instrument, a dangerous and repugnant one which is never desirable but sometimes essential. It is equally unwise to assume that force must never be used and to assume that its successful use in one instance warrants its use in any or all others.

The current crisis in southeast Asia, I believe, is one in which the use of limited American force has been necessary and may be necessary again. It is essential, however, that we evaluate this

crisis in its global context. That context is one in which hopeful tendencies toward peace are on the rise despite events in crisis areas such as Vietnam. It would be a great mistake to allow our optimism about promising developments in our relations with the Soviet Union and Eastern Europe to lead us to any illusions about the aggressive designs of North Vietnam and its Chinese Communist sponsor. It would be no less a mistake to allow our concern with baleful events in southeast Asia to drive us to actions and attitudes which would undermine current progress toward the relaxation of tensions with the Soviet Union and the European Communist regimes. At all times, but especially at this moment of crisis, we must be extremely clear about the different policies pursued by different Communist regimes, about the different challenges which they pose and the different responses which they warrant. We must have the wisdom and the discrimination to be able, when necessary, to engage simultaneously in the local prosecution of hostilities and the global pursuit of world peace.

In southeast Asia itself, we must leave no doubt in the minds of both adversaries and friends as to what our objectives are and what they are not. It should be clear to all concerned that our purpose is to uphold and strengthen the Geneva Agreements of 1954 and 1962—that is to say, to establish viable, independent states in Indochina and elsewhere in southeast Asia, states which will be free of and secure from the domination of Communist China and Communist North Vietnam. It should be emphasized that we wish the nations of southeast Asia to be free of and secure from domination by Peking and Hanoi, but not necessarily hostile to these regimes. It should be further emphasized to all concerned that our objective is not to establish our own military power in Indochina or in any way to bring the nations of Indochina under our own domination or even to bring them into an American "sphere of influence."

It should be made clear to the Communist powers of Asia, if it is not yet sufficiently clear, that they can enjoy peace and security as long—but only as long as they confine their ambitions within their own frontiers. It should also be made clear that whenever the Communist powers show a willingness to settle the problems of southeast Asia by peaceful and lawful means, these problems can then be placed largely or entirely under the jurisdiction of the United Nations. It should be made equally clear to these regimes, if it is not yet sufficiently clear, that their aggressive and expansionist ambitions, wherever advanced, will meet precisely that degree of American opposition which is necessary to frustrate them. The resolution now before the Senate is designed to shatter whatever illusions our adversaries may harbor about the determination of the United States to act promptly and vigorously against aggression. For this reason, Mr. President, I urge its prompt and overwhelming adoption by the Senate.

Mr. President, in addition to the strong support of the Congress, there have been expressions of widespread support for the President's action in the country and in the press. I ask unanimous consent that there be inserted in the Record at this point a number of newspaper editorials which are illustrative of the general support for President Johnson's actions in southeast Asia.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Philadelphia Inquirer, Aug. 6, 1964]

A NATION UNITED

In this grim, dark hour—when the issue of peace or war hangs precariously in the balance—President Johnson has called upon the American people to meet the test of courage and determination that has been thrust suddenly and irrevocably upon us all by a treacherous foe.

The Nation must stand firm and united in unwavering support of the President at this crucial juncture in the history of mankind.

We are confident that Americans, irrespective of political party, shall do so—in keeping with the highest traditions of this country in times of crisis.

In his solemn address to the world on Wednesday, at Syracuse, Mr. Johnson reiterated and expanded upon points he made late Tuesday night in his report on the swift succession of ominous events in southeast Asia.

The President is right, beyond any question, in making it clear to the leaders of Communist North Vietnam, and to any other government bent on unprovoked aggression, that America's earnest desire for peace is not to be misconstrued as weakness.

Delivering one of the finest addresses of his long career in public service, Mr. Johnson summed up the situation succinctly at Syracuse in these terse phrases: "The attacks were deliberate. The attacks were unprovoked. The attacks have been answered."

After the North Vietnamese torpedo boats had opened fire against U.S. naval craft in international waters, for the second time in 3 days, it was unmistakably clear that the American reply, in action as well as words, needed to be prompt and appropriately forceful—commensurate with the seriousness of the North Vietnamese challenge and the flagrant disregard they showed for the rights of our vessels to sail the seas without interference.

These rights have been hard won, over many years, by valiant Americans. Freedom of movement on the oceans must be defended.

Retaliatory U.S. air strikes against North Vietnamese torpedo boat bases and other installations, as reported by Defense Secretary McNamara, unfortunately have resulted in the loss of American planes and, possibly, American lives. This sorrowful and tragic development underlines not only the perils that must be faced in the battle zone but the sacrifices that all of us must be prepared to accept.

"Aggression unchallenged is aggression unleashed," the President said at Syracuse. This is undeniable truth. To retreat from, or even to tolerate, armed attack against vessels of the U.S. Navy would be to invite steadily bolder assaults that would lead us surely and inevitably down the path of war.

Mr. Johnson's notation of broken promises made by the North Vietnamese Government, in pacts signed by them in 1954 and 1962, is a timely reminder of the demonstrated untrustworthiness of the Red regime in Hanoi. It is fitting also that the President, while reaffirming this country's commitments to allies, has reminded those

1964

CONGRESSIONAL RECORD — SENATE

17817

allies that the fight for freedom ought not to be the sole burden of any one nation but should be a collective responsibility. Our allies—in NATO, in the Far East, and elsewhere—can help the cause of peace by giving unqualified endorsement to U.S. action against North Vietnam.

Freedom and peace remain our goals—but let those forces of enslavement and armed aggression abroad who have unleashed their fire against us give pause. They will do well to show a healthy respect for America's resolve to defend, by whatever means necessary, our rights on the high seas and to carry out, by whatever action required, our obligations abroad in the struggle against Communist aggression.

[From the Washington Post, Aug. 6, 1964]

STERN CRISIS

President Johnson has earned the gratitude of the free world as well as of the Nation for his careful and effective handling of the Vietnam crisis. The paramount need was to show the North Vietnamese aggressors their self-defeating folly in ignoring an unequivocal American warning and again attacking the American Navy on the high seas. This Mr. Johnson did by means of a severe but measured response deftly fitted to the aggression: retaliation against the boats and bases used in the attack.

The air strikes did not merely decimate Hanoi's fleet, leaving it unable to defend its own coast, and demonstrate North Vietnam's vulnerability to American power. The counterattack smashed the "paper tiger" myth, proving the U.S. readiness to use whatever means necessary to stand up for its interests in the Far East and underlining the reliability of its commitment to its friends there.

Most immediately, the reprisal rendered obsolete the old terms of the debate on whether to carry the guerrilla war in South Vietnam back to the aggressors in the North. Long reluctant to do this itself on the ground, or to have Saigon forces do it, the United States has now acted alone, by sea and air. Whatever restraint had previously been exercised through lack of precedent or provocation has been removed by the events in the Tonkin Gulf. No one can tell at this point the precise form which the Vietnam war will take, but it is bound to be a new form, and the newness would seem inevitably to be on the side of more direct American participation and more direct action against the North.

To a capital and a world sensitive to the uses of power by an American President, the crisis—the first major foreign-policy crisis faced by President Johnson—has found him not wanting in toughness or in nuance. But the crisis has also pointed up the office of the Presidency as the single center of control and responsibility for American power. It is worth remarking that this respect for the Presidency has been conveyed even by those who believe that, for instance, local military commanders should be given discretion for important decisions in the field.

Military measures were only a part of President Johnson's response. He coordinated them with the other constituencies and communities of which he is the leader. He asked and got from Senator GOLDWATER a promise of nonpartisanship. The Senator, like the patriot he is, instantly forsook politics and stood by his side. He also went, calmly, to the people, both American and foreign, offering information and reassurance in appropriate degrees.

The President went to Congress too for a resolution of national unity and support, and to the United Nation, for international backing. The request to Congress, like his approach to Senator GOLDWATER, may later affect the election campaign, but the seriousness of the situation warrants these expressions of confidence and cooperation. The

U.N. plea forces the Soviet Union to a climactic choice between its conflicting interests in the Communist and Western worlds. But regardless of the Security Council's stance on the torpedo attacks, a condign response has already been meted out to Hanoi.

The impressive orchestration of American policies contrasts revealingly with the fragmented and tardy reactions of the different Communist states. This broken pattern, including the fact that Premier Khrushchev was out in the Soviet hinterlands, suggests how unexpected Hanoi's attacks were to some Communists and how unexpected Washington's reprisals were to others. There is still no convincing explanation of why Hanoi would challenge the United States under conditions so patently unfavorable to it. One notes, however, that there is in Hanoi a war weariness conducive to desperate heroics; that Hanoi has seemed to share Peiping's distorted vision of the American "paper tiger"; and that the Tuesday attack fell on the anniversary of the test ban, a Soviet-American agreement based on the fact that the "paper tiger" has nuclear teeth.

This element of uncertainty in Hanoi's intentions is what makes the crisis potentially dangerous. The fear is, of course, that Hanoi's harassments may be a prelude to escalation of the war in Vietnam, perhaps drawing in Peiping. It was the President's awareness of these ominous possibilities that made his management of the crisis so significant and correct.

[From the New York Herald Tribune, Aug. 6, 1964]

THE RIGHT RESPONSE

President Johnson spoke clearly and acted with prompt decision in reply to the second torpedo boat attack on American ships in the Tonkin Gulf. The reasons behind the wanton North Vietnamese provocations are still mysterious, but there is nothing obscure about Mr. Johnson's firm statement that "there can be no peace by aggression and no immunity from reply"—especially against the background of the sharp and effective American air assault on the North Vietnamese naval bases.

The United States has a chain of sentries around the world; lonely men in Korean trenches, lonely planes over the Arctic wastes, lonely ships in distant seas. They keep watch over an uncertain peace. But their vigil would have no meaning if it were not that power stands leashed behind them; power ready to be used swiftly and with vigor for peace. That power, and the equally essential will to use it, found expression in the action ordered by President Johnson against North Vietnam.

The power was still on leash. The air action against the aggressor's bases was a limited action. And in that fact, no less than in the speed and efficiency of the response, lies much of the effectiveness of the policy put into effect by the President. As he said, the overall strength of the United States is "vast and awesome." But it is not a monolithic mass, like the European armies before World War I, impossible to guide or check by diplomacy once the initial impetus is given. It is not just "the button," whose rejoinder must be nuclear war or supineness. It can be used to pinpoint and punish the immediate offenders—in this case, the North Vietnamese mosquito fleet.

Thus, whoever planned the torpedo-boat attacks, for whatever purpose, stand warned. If they were probing the intentions of the United States, of Red China, of the Soviet Union, they at least know that the United States will resist aggression, and that it has the capability of doing so.

At the same time, the rest of the world knows that this capability will be used with restraint; that force will be used in propor-

tion to the need. The United States can, as Mr. Johnson said, welcome and invite the scrutiny of all men who seek peace, "for peace is the only purpose of the course we pursue."

The controlled force of the American counterblow has clearly made its impact on the world. From its friends, this country has received such congratulations as that of Japan (very directly concerned with the problem of Communist expansion in Asia) and such encouragement as that of Britain in the Security Council. From the Soviet Union has come denunciation—but it is oddly perfunctory. In asking that North Vietnam come to the United Nations, even the Soviet delegate on the Security Council seemed to be trying, in some earnestness, to find out what has been going on in the Tonkin Gulf.

The United States, too, is puzzled by much of what has been happening in southeast Asia. But it stands as one behind the President's action. The hearteningly prompt support given Mr. Johnson's course by Senator GOLDWATER is only the most striking of many evidences of the unity of Americans in the face of this strange kind of terrorism on the high seas.

[From the New York Times, Aug. 6, 1964]

WIDER WAR

On July 24, President Johnson said that "the United States seeks no wider war" in Vietnam, but he warned that "provocation could force a response." That provocation—twice repeated—now has brought a response that has been, in the President's words, "limited and fitting." Whether this ends the incident now is up to North Vietnam and to Communist China. The United States plans no further military strikes if there are no further Communist attacks. President Johnson has made it clear that "we still want no wider war."

Whether or not the confrontation stops there, the crisis in southeast Asia has been altered in fundamental ways—all involving great uncertainties and even greater dangers.

The United States has become a direct combatant on a significant scale, even if only briefly. The sword, once drawn in anger, will tend to be unsheathed more easily in the future.

Congressional authority for future military action will, in effect, be delegated to the President by the joint resolution scheduled to be voted today. The President has rightly asked that the resolution express a determination that "all necessary measures" be taken.

The concept of a Communist "privileged sanctuary," heeded hitherto both in Korea and Indochina, has been breached. The circumstances under which North Vietnam may be struck again remain undefined. But the rules of the war have undergone a basic change—a change that applies to Communist China as well as to Hanoi. President Johnson was clearly addressing Peiping when he warned "any who may be tempted to support—or to widen—the present aggression" that "there can be no peace by aggression and no immunity from reply."

Hanoi's sea patrol fleet largely has been wiped out and, lacking an air force, North Vietnam has been shown to be virtually open to hostile air attack. Hanoi's willing allies in Peiping are now under pressure to provide new means for sea and air protection—and even, perhaps, to intervene directly. Hanoi's reluctant allies in Moscow are under pressure, as yesterday's Soviet statement showed to demonstrate their backing for North Vietnam before world Communist opinion.

Ranks have been closed in the United States with Senator GOLDWATER's open support for administration action. If Hanoi's attacks were an attempt to exploit political and racial division in the United States, the

American reaction has proved this futile. Vietnam, in fact, has been taken out of the presidential campaign for the moment. The attempt to keep it out, by retaining Republican support, means that President Johnson henceforth will find firmness politically easier to emphasize than restraint.

American reluctance to go to an Indochina peace conference, as urged by President de Gaulle, is strongly reinforced. If Hanoi's purpose was to force such a conference, it could not have been more poorly advised.

These are some of the political and military realities after the Tonkin Gulf exchange. The lines have hardened. A highly dangerous period has opened. It is a time that calls for coolness, as well as determination, for restraint as well as firmness.

We still have no real idea of what prompted the North Vietnamese to launch their potentially suicidal adventure. The Nation's united confidence in its Chief Executive is vital. No one else can play the hand. That confidence will be best maintained by a continued adherence to the principles the President himself has enunciated of firmness but a firmness that will always be measured—a firmness whose mission is peace.

[From the Baltimore Sun, Aug. 6, 1964]

PEACE THE PURPOSE

At Syracuse University yesterday, while the world waited for further developments in southeast Asia, President Johnson set forth the central concern of this Nation for all to see. "We welcome—and we invite—the scrutiny of all men who seek peace, for peace is the only purpose of the course we pursue." Only hours before, after a second Communist attack on American naval vessels, the President had ordered an air strike against the torpedo-boat bases along the coast of North Vietnam. The attack had been carried out, and the bases lay in ruins. Two American airmen had been lost. In its promise to repulse aggressors the United States had not been bluffing. Of that there could no longer be any doubt.

It is not an easy thing to loose even a small fraction of the military power available to the Commander in Chief, but in this case there was no choice. "Aggression unchallenged," the President said, "is aggression unleashed." In striking back at a time of grave provocation, the United States hoped not to spread the fighting but to pinch it off before it got out of hand. To reasonable governments the message should be clear, but American forces are being deployed in such a way as to respond appropriately if somewhere there is a misreading. That, too, is a statement of American purpose.

If there has been a suspicion abroad that the American people are dangerously divided, this episode is proof to the contrary. Crisis always draws Americans together, and on this issue support for President Johnson is without reservation. Senator GOLDWATER set the pattern for his party, and congressional leaders, briefed early at the White House, have responded with the traditional closing of ranks. When the Nation is under the gun, politics loses all coloration. The quick rush of support from America's allies also has been gratifying.

None can foretell the perils that lie ahead. North Vietnam is an annoyance, but it is not the major consideration. The key to peace in Asia is hidden in Communist China, in the course it may essay alone, or with the encouragement of Moscow. Yesterday's convoking of a United Nations session was intended not only as a report to the nations but as an assessment of the intentions of the Soviet bloc. Whatever the dangers, the United States will face them with the courage possessed only by those who are both free and strong.

Mr. McGOVERN. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. McGOVERN. Without in any way casting any doubt on the wisdom of the resolution, there are a few brief questions that I should like to address to the Senator from his comments, if he would be willing to comment.

All of us have been puzzled, if not baffled, as to why a little State such as North Vietnam should seek a deliberate naval conflict with the United States with the overwhelming naval and air power that we have in that area. In an effort possibly to throw some possible light on that question, Mr. Murrey Marder, in his column in the Washington Post yesterday, made the following statement in the closing paragraph of his column:

North Vietnam on Sunday charged that the United States and South Vietnam had sent warships "to shell the Hon Me and Hon Ngu islands in the territorial waters" of North Vietnam. Those islands are near the area where the *Maddox* was attacked Sunday. Hon Me is used as a naval base. American sources said, and Communist PT boats have been seen in the area.

The United States has denied that any of its warships shelled the islands of Hon Me and Hon Ngu. However, despite some reports published yesterday, the State Department denial did not equally exculpate South Vietnam. It only denied American participation.

SPECULATION ON ATTACK

There are some indications, however, that the South Vietnamese may in fact have attacked the two islands American officials have declined to discuss that, although U.S. warships on occasion reportedly have escorted South Vietnam vessels part way to their targets.

I wonder if the Senator from Arkansas could shed any light on the possible explanation for the North Vietnamese attack.

Mr. FULBRIGHT. In dealing with warfare, which essentially is an irrational business, it is dangerous to speculate as to the motives of one's enemies or adversaries. However, in this case, first, the Secretary of Defense himself stated, after the first attack on the *Maddox*, that he did not expect a repetition of the attack. He made that statement publicly. That showed how wrong he was. He said he could see no motive for it, and none of us at the first meeting we had on the question could explain why that kind of attack by a few torpedo boats against the elements of the 7th Fleet should take place, whether it was an isolated action or an impulsive action by the local commander.

But after the action was repeated, it was shown to be clearly calculated. It is my understanding, as best I can interpret what actually happened, that there were some South Vietnamese raids, if they might be so called—coastal raids—by South Vietnamese junks or naval vessels—the only kind of naval vessels they have. My information is that they have relatively small PT boats, comparable to those of North Vietnam, plus what are called motorized junks, and those from time to time have engaged in what are called hit-and-run raids, none of them

of a major nature, by South Vietnamese boats with South Vietnamese crews.

Our own naval vessels, such as the *Maddox* and other associated vessels, have never engaged in any attacks on those islands or anywhere else in North Vietnam.

The best information that I have from high officials in our Government in this field is to the effect that our boats did not convoy or support or backup any South Vietnamese naval vessels that were engaged in such attacks.

Mr. McGOVERN. The Senator would say the implication of the article is probably in error?

Mr. FULBRIGHT. It has been asserted by others that the *Maddox* was backing up or convoying the smaller vessels of the Vietnamese.

The testimony I am familiar with shows that this is not a fact.

I am reminded also that it was asked whether or not the junks of the South Vietnamese had American personnel in the nature of advisers or otherwise. We were advised they did not, that they were manned by non-Americans in all cases. In other words, the patrol duty by such ships as the *C. Turner Joy* and the *Maddox* was an operation for patrol, to keep our own forces informed about the activities in this very critical area, and was entirely unconnected or unassociated with any coastal forays the South Vietnamese themselves may have conducted.

Mr. McGOVERN. I should like to put one other question to the Senator. Over the past few days, possibly the past 2 or 3 weeks, there have been statements in the press quoting General Khanh, the South Vietnamese leader, as saying that the war had to be won by carrying it to North Vietnam. Almost simultaneously our administration leaders have been quoted as saying that the only way the war can be won is by taking on the guerrillas in South Vietnam, and that our policy is not one of extending the war to the north; quite to the contrary, that the victory must be had in the south and that we will take all reasonable steps to confine the war to South Vietnam.

Does the Senator think there is any danger in this resolution that we may be surrendering to General Khanh's position our attitude as to where the war should be fought?

Mr. FULBRIGHT. I do not think there is any danger of that. There is, of course, a danger in this whole area, and there has been for 10 years. It is dangerous. The policy of our Government not to expand the war still holds. That is not inconsistent with any response to attacks on our vessels on the high seas where they have a right to be.

Mr. McGOVERN. I agree.

Mr. FULBRIGHT. I do not think the policy that the war be confined to South Vietnam has changed. I think it is still the policy. I think it is the correct one. What causes difficulty is the fact that this is a new type of war. It is not a war in the orthodox sense. This is subversion, inspired and conducted through infiltration of supplies and men by a

1964

CONGRESSIONAL RECORD — SENATE

17819

neighboring country without a declaration of war. It does not fit the pattern of the traditional way we think of war. It is, nevertheless, aggression—a modernized, specialized kind of aggression, brought to a high degree of perfection by the leader of the Chinese Communists, Mao Tse-tung, who established the basic theory of how to conduct this type of warfare.

It is difficult to adjust our concepts to warfare of this kind. I think it is just as savage and as much in violation of international good behavior and law as is an overt invasion by troops. I tried to make this point in my remarks. North Vietnam has been an aggressor against South Vietnam; and I do not think so merely because of the testimony in the past 2 or 3 days. Over several years, we have received testimony about what the North Vietnamese were doing in Laos and to a much higher degree in South Vietnam.

They had two major ways of approaching South Vietnam, one by sea, and one by ground. The sea approach was the easiest way to supply the Mekong delta. So we helped the South Vietnam Government try to interrupt the transfer of men and supplies to the Mekong delta. Junks were built up for that purpose. The boats that may have struck at the coastal areas of North Vietnam may have been supplied by us. We have been helping South Vietnam arm itself. I do not know about the specific boats.

I personally think this is a perfectly legitimate and proper way to defend oneself from the kind of aggression South Vietnam has been subjected to for many years.

Mr. McGOVERN. I am inclined to agree with the Senator. I did not want my remarks to be interpreted as prejudicing the case for aid—

Mr. FULBRIGHT. I am glad to try to clarify the situation. It is difficult and confusing.

Mr. McGOVERN. There have been references in the press to the effect that General Khanh was in political trouble and that one way he thought he could get out of it was to divert attention from failure in the conduct of the war in the south to some kind of strike in the north, presumably largely underwritten by the United States. It was because of my concern with that possibility that I raised these questions.

I thank the Senator for yielding.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. ELLENDER. The Senator has stated that in the last 2 or 3 days the committee has had some hearings. Can he tell us how long these ships of ours have been in that area?

Mr. FULBRIGHT. On patrol?

Mr. ELLENDER. On patrol, yes and at whose request?

Mr. FULBRIGHT. We have had patrols in the Tonkin Gulf for about 18 months.

Mr. ELLENDER. At whose request were these patrols made?

Mr. FULBRIGHT. These are international waters. Our assistance to South Vietnam is at the request of the

South Vietnamese Government. The particular measures we may take in connection with that request are our own responsibility. The particular ships on this particular patrol are there at our own decision.

Mr. ELLENDER. Are they part of the 7th Fleet, which protects Formosa?

Mr. FULBRIGHT. Yes.

Mr. ELLENDER. The Senator says our ships have been in that area for a year and a half.

Mr. FULBRIGHT. Yes.

Mr. ELLENDER. In the Gulf of Tonkin?

Mr. FULBRIGHT. In the Gulf of Tonkin. I can be corrected on this by the distinguished chairman of the Armed Services Committee. My recollection is that they have been in that particular area a year and a half.

Mr. RUSSELL. Mr. President, elements of our fleet have been in this gulf periodically for about 1½ years.

Mr. ELLENDER. Why?

Mr. RUSSELL. These waters are the high seas. If in our general patrolling throughout the world and in the movements of our fleet on the high seas everywhere we saw fit to send our ships there. Certainly no foreign nation has a right to challenge our use of the high seas. We have a right to be there.

Mr. ELLENDER. Was any action taken by any of our ships to prevent the carrying of war materiel to the Mekong Delta?

Mr. FULBRIGHT. Does the Senator mean ships flying our flag and manned by our personnel?

Mr. ELLENDER. Yes.

Mr. FULBRIGHT. It is my understanding that that operation was conducted entirely by Vietnamese ships and personnel.

Mr. ELLENDER. Were we there to protect them?

Mr. FULBRIGHT. No; what happened here happened on patrol duty. As the Senator from Georgia has said, these ships were there in accordance with our responsibility and our rights in this general area. The ships were not assigned to protect anyone. They were conducting patrol duty. That question was asked specifically of the highest authority, the Secretary of Defense and the Secretary of State.

They stated without equivocation that these ships, the *Maddox* and the *C. Turner Joy*, were not on convoy duty. They had no connection whatever with any Vietnamese ships that might have been operating in the same general area.

Mr. ELLENDER. Was their presence in the delta area at the request or suggestion of the South Vietnamese Government?

Mr. FULBRIGHT. They were not in the delta area. Does the Senator mean in the Gulf of Tonkin area?

Mr. ELLENDER. I understood that this—

Mr. FULBRIGHT. The delta area is north of the gulf area.

Mr. ELLENDER. I am trying to discover if our forces could have done anything which might have provoked these attacks. You say the ships were not

engaged in any activity near the Mekong Delta?

Mr. FULBRIGHT. No; where they were is hundreds of miles north of the delta area.

Mr. ELLENDER. The ships that were attacked?

Mr. FULBRIGHT. Yes.

Mr. ELLENDER. The patrols carried out in the delta area were to give protection or confidence to the junks and patrol boats that were there to prevent the North Vietnamese from carrying materials of war to the South Vietnamese from carrying materials of war to the South Vietnamese. Is that correct?

Mr. FULBRIGHT. That was not the duty of the *Maddox* or the *C. Turner Joy*. They were on patrol duty in the Gulf of Tonkin—not near the Mekong Delta. They had nothing to do with the interruption of such traffic as may be carried on between North Vietnam and the delta. This duty was assigned to a fleet of junks and small craft of the South Vietnamese navy. That is still their function. They stop and examine thousands of people in order to identify them and see what they are up to. They have found a good many North Vietnamese who were coming down to carry on guerrilla warfare.

Mr. ELLENDER. Is the Senator satisfied from the evidence presented to the committee that our Armed Forces, that is, our naval forces, did nothing to invite the attack that was made in the last few days?

Mr. FULBRIGHT. Nothing that they are not entitled to do. Their very presence in the Gulf of Tonkin could be said by someone to invite an attack, but they had every right to be there, and they were not shelling the coast or intervening in any of the legitimate operations of the Government of North Vietnam. In an area in which there is tension and in which there has been this very bloody kind of guerrilla warfare or irregular warfare, one might say, broadly speaking, that their presence could be a provocation. I do not think so. I do not believe that can be rightfully said. They had every legitimate right to be there.

Mr. ELLENDER. I do not question that fact at all. My question was directed to whether or not the evidence showed any act on our part which might have provoked this attack.

Mr. FULBRIGHT. I would say categorically that that was not shown. Whatever provocation there may have been arose, if it did arise, from the activity of the North Vietnamese ships.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. BREWSTER. I had the opportunity to see warfare not so very far from this area, and it was very mean. I would look with great dismay on a situation involving the landing of large land armies on the continent of Asia. So my question is whether there is anything in the resolution which would authorize or recommend or approve the landing of large American armies in Vietnam or in China.

Mr. FULBRIGHT. There is nothing in the resolution, as I read it, that contemplates it. I agree with the Senator

that that is the last thing we would want to do. However, the language of the resolution would not prevent it. It would authorize whatever the Commander in Chief feels is necessary. It does not restrain the Executive from doing it. Whether or not that should ever be done is a matter of wisdom under the circumstances that exist at the particular time it is contemplated. This kind of question should more properly be addressed to the chairman of the Armed Services Committee. Speaking for my own committee, everyone I have heard has said that the last thing we want to do is to become involved in a land war in Asia; that our power is sea and air, and that this is what we hope will deter the Chinese Communists and the North Vietnamese from spreading the war. That is what is contemplated. The resolution does not prohibit that, or any other kind of activity.

Mr. BREWSTER. I thank the distinguished chairman.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MORTON. Mr. President, first I say to the distinguished Senator from Arkansas that I approve the action that has been taken, and I approve this resolution. On the matter which was the subject of the colloquy between the chairman of the Foreign Relations Committee and the distinguished Senator from Louisiana, can we not associate our presence in the Gulf of Tonkin to a degree with our own interpretation of our obligations under the SEATO Treaty?

Mr. FULBRIGHT. Yes. I made mention of it. That is a further responsibility that we undertook in aligning ourselves with other countries in trying to bring peace and stability into this area. That was another obligation which we undertook. It fortifies our right or responsibility for being in the Gulf of Tonkin.

Mr. MORTON. I believe the action taken by the President helps to avoid any miscalculation on the part of either the North Vietnamese or the Chinese Communists. I believe the joint resolution gives that policy further strength. In my opinion, the three major wars in which we have been involved in this century have come about by miscalculation on the part of the aggressor.

I believe Congress should speak loud and clear and make it plain to any would-be aggressor that we intend to stand here. If we make that clear, we will avoid war, and not have to land vast land armies on the shores of Asia. In that connection I share the apprehension of my friend the Senator from Maryland [Mr. BREWSTER].

Mr. FULBRIGHT. The Senator has put it very clearly. I interpret the joint resolution in the same way. This action is limited, but very sharp. It is the best action that I can think of to deter an escalation or enlargement of the war. If we did not take such action, it might spread further. If we went further, and ruthlessly bombed Hanoi and other places, we would be guilty of bad judgment, both on humanitarian grounds and on policy grounds, because then we

would certainly inspire further retaliation.

This situation has been handled in the best way possible under the circumstances, so as to calm the situation, and not escalate it into a major war.

Mr. MORTON. I thank the Senator from Arkansas.

Mr. FULBRIGHT. I yield to the Senator from Ohio.

Mr. LAUSCHE. I should like to add something to the answer that was given to the Senator from Louisiana [Mr. ELLENDER]. In my opinion, the evidence is very clear that our Government did not design or manipulate a situation which would precipitate violence. The proof shows clearly that the commander of the *Maddox*, when the patrol boats were following it, called the commander of the *Ticonderoga* and informed him that the North Vietnamese patrol boats were following him and were indicating all the purposes of violence. It was not until the patrol boats fired upon the *Maddox* that the *Maddox* took any action. We waited; and no action was taken by our Government until the torpedoes were set into motion. Our ship turned seaward.

Second, the Island of Hainan is in the gulf. Chinese aircraft and military bases are on that island. Our ships were patrolling the gulf, surveying the activities that were going on in the gulf. My answer is that not to have been there would have been a disservice to our country. We were where we had a right to be. We did nothing to precipitate this unwarranted action. The action of violence was not on the part of our Government, but on the part of the North Vietnamese against us.

What were we to do? Were we to allow them to fire at us and take no action? The commander of the *Maddox*, when he contacted the commander of the *Ticonderoga*, acted with complete restraint and indicated no purpose of engaging in violence. Not until we were fired upon did we fire back.

Furthermore, to conclude that we developed a design to precipitate this violence is not supported by any testimony whatsoever. To make the pronouncement that we manipulated the situation, that we designed a set of circumstances that would give us an excuse to fire, is wholly unwarranted. Not one syllable of testimony supports that conclusion.

Mr. FULBRIGHT. Will the Senator from Ohio allow me to answer questions? Then he may speak on his own time.

Mr. LAUSCHE. Just half a second more.

Mr. FULBRIGHT. I thought the Senator wished to ask a question. But I have no objection to his concluding his statement.

Mr. LAUSCHE. I wanted to give my understanding of this very important, crucial aspect of the dispute. I repeat: There is not a single bit of testimony warranting the conclusion that we manipulated or designed the situation.

Mr. ELLENDER. Mr. President, I was questioning the Senator from Arkansas merely to seek assurance that the evidence shows there was no possibility that our forces took any action, even acci-

dentally, which might have provoked an attack. Certainly I did not intend to intimate that the commanders of our ships were at fault, or that we were looking for an excuse to attack North Vietnam.

Mr. LAUSCHE. I understand, Mr. President. I merely wanted to make plain that our forces were not at fault in any way; that our ships had a perfect right to be in those waters, and that there is absolutely no evidence of any design or manipulation involved in the chain of events which took place. I did not wish to allow that impression to stand in the Record.

Mr. JAVITS. Mr. President, will the Senator yield? I wish to ask a question.

Mr. FULBRIGHT. I should like to yield the floor.

Mr. JAVITS. I wish to ask a question, and a rather serious one.

I shall support the resolution, because I think we must defend freedom in that area, or else see the balance of a large segment of the population of the world tipped against freedom. The degree of our resistance under the action that may be taken in southeast Asia, under the resolution, will determine not only future events in Vietnam, but also the freedom of Malaysia, India, Pakistan, and Indonesia, and perhaps even Australia and New Zealand.

My question is this: To the extent that the Senator may know—and be permitted to disclose—are we not implementing the Southeast Asia Collective Defense Treaty? This treaty has eight countries who are parties to it including the United States—three in the area, the rest in Europe, Australia, and New Zealand, and ourselves. The inclusion of Cambodia, Laos, and Vietnam is by protocol. That is, the protection of the treaty is extended to them, though they are not parties to it.

The question I address to the Senator is this: Are we to assume that the action which the President has taken with respect to reacting to the attack on American vessels is the result of a consultation with our allies who are parties to the Southeast Asia Collective Defense Treaty? If it is, what are we to assume with respect to the future progress of the action which we authorize under the resolution, which is admittedly a broad action? Is it that the President may take all necessary steps, including the use of Armed Forces, to assist any member or protocol state, which would include Laos, Cambodia, and Vietnam, in the Southeast Asia Collective Defense Treaty, that may request assistance in defense of its freedom?

What I wish to know from the Senator is, first: Have we consulted with our allies? Second, what are we to look to from our allies in the way of assistance, aid, comfort, partnership, and the future implementation of the resolution? It is one thing to stand alone; it is another thing to stand with seven other countries, three of them in the area, implementing a solemn commitment, which is just as binding on them as it is on us. I am sometimes inclined to agree with those who say that we cannot be the policeman or guardian of the whole

world. We cannot lead it by the hand. We can be the linch pin, but what are we to accept from the others?

Mr. FULBRIGHT. That is quite a question. It has several facets, all of them of pertinent interest.

First, this particular action was not taken in consultation with the other signatories of the Southeast Asia Treaty. It was an act for which we took the responsibility. It had nothing to do with the treaty. The fact that we are present in the area grows, at least in part, out of our obligations under the treaty. That is one of the reasons why we are in the area, and have been for a number of years. But we would have the right to be there without the treaty.

As to the contribution of the protocol states—there are three, as the Senator from New York has said. Under the Laotian Agreement of 1962, Laos is out of the treaty. Cambodia has renounced any desire to be protected by the United States. So actually this is a technical way of saying that we are assisting South Vietnam, because that country is all that is left. That phrase means South Vietnam.

As to contributions by other members of SEATO, they have been too little. There has been consultation in the past on numerous occasions, in an effort to persuade the other countries to bear a greater share of the burden. The question has been asked, "What are the others doing?" We were informed as late as this morning, and on other occasions in the past several days, that they are not doing very much. Pakistan is preoccupied with its own problems with India, so I do not believe Pakistan is doing anything.

The French are doing a good deal in the way of investment. France has a traditional relationship there. France supplies some personnel, but the major part of her contribution is in the form of investment.

Australia's contribution has been small, but Australia is building up her contribution of advisory and military personnel and some contribution of technical assistance. The same is true of New Zealand. The Thai, of course, are there in the area and they are, I am sure, anxious to do what they can. Who else is there?

Mr. JAVITS. The Philippines and the United Kingdom.

Mr. FULBRIGHT. The Philippines have not made a large contribution. The United Kingdom has been more than occupied with its responsibilities in Malaysia and has made no contribution.

Mr. JAVITS. That is in the right direction—

Mr. FULBRIGHT. An indirect contribution, yes; but it is in Malaysia. The greater part of the burden has been borne by this country. Unfortunately, we find this to be true in other areas as well. Until recently, within the past several years, we were the only major free country capable of doing it. Now the other countries that are becoming more capable have not yet assumed what I consider to be their proper part of an overall effort to defend free countries.

Mr. JAVITS. I should like to ask one followup question of the Senator from Arkansas.

Mr. FULBRIGHT. I am ready to yield the floor so that the distinguished Senator from Georgia [Mr. RUSSELL] can give the Senate much more light on the situation, but I am glad to yield to the Senator from New York.

Mr. JAVITS. I believe that the Senator will agree that we are dealing with pretty substantial matters.

Mr. FULBRIGHT. They are very important. I consider this situation to be a facet of the most important matter now before the country.

Mr. JAVITS. I agree with the Senator. Let me ask one further question: May a Senator voting for the resolution assume that the United States, with all its means, diplomatic and otherwise, will continue, first, to keep the SEATO Treaty in effect by continuing consultations even if for the moment it does not get enough assistance from our partners; second, it will continue to press for maximum contributions compatible with their own capabilities and their own national security from their other partners; third, that it will continue to utilize all the organs for international peace which are mentioned here, including the United Nations, in order to secure freedom in that area. And because the President gets the resolution, we are not going to vote on that one proposal and make everything else perfunctory.

Mr. FULBRIGHT. We have had positive assurance from the Secretary of State about the very matter the Senator is discussing. I approve of that policy. Much has been said about bringing the United Nations into it. I am sympathetic to that. One of the Members of this body has had a great deal to say about that. I approve of it, with this reservation, or this qualification, that it is not timely, when one is in dire straits, to turn over a situation such as this to a body which is not equipped to assert the kind of power I believe to be necessary to stabilize the area.

At the present time, this is not a quarrel in which a "yes" or "no" to the United Nations would bring them in to control and direct this effort. Having assumed this burden, and the situation having deteriorated as it has, I believe that we have to establish some sort of stability before we can say to the United Nations, "You take it."

I look forward to the time when this can be done. I believe that if we could ever stabilize the situation and there were some reasonable assurance that North Vietnam and the Chinese would leave these people alone, we could take it to the United Nations with some assurance that it would work.

Mr. JAVITS. With the thoughts and the principles I have laid out, can the Senator commit himself, as chairman of the Foreign Relations Committee, to bring our "sentinel," to follow through on these matters, after the joint resolution is passed.

Mr. FULBRIGHT. I shall do everything I can, within the limits of my capacity and my position on the Senate

Foreign Relations Committee, because I really agree with this philosophy. I am not looking for an expansion of war. I am looking, in any way that I can, to bring in with us both our allies and the United Nations, when and if conditions can be created that that would be a feasible procedure to follow. I believe that this particular action is well designed to help stabilize the entire area.

Mr. JAVITS. I agree with the Senator, provided we would have some feeling in our heart that there will be a really manful followthrough, which we have sometimes lacked before.

Mr. FULBRIGHT. The Senator did not ask me this precisely, but I must say that the Secretary of State has performed extremely well.

Mr. JAVITS. I agree with the Senator.

Mr. FULBRIGHT. The Secretary of State is an indefatigable worker. He has consulted with the members of SEATO on numerous occasions. The Senator has read about it in the past. I do not know how he stands up under the constant schedule of visits and consultations that he has endured during the past 3 years. I believe that he is committed to the proposition the Senator has stated. I certainly am. I hope that we can work this problem out. I believe that we have had some success in the past. We tend to forget every instance of success in working with countries on situations somewhat like this one—perhaps not quite so threatening, but we have had some bad ones, and they have faded into the past.

Mr. JAVITS. The Senator is correct.

Mr. FULBRIGHT. The combined judgment of the military and the civilian branches of the Government has worked extremely well in this instance. They all seem to be in agreement. The Chairman of the Joint Chiefs testified that they were unanimous in their recommendation. There seems to be no division within the highest circles of our Government. I thought it was very encouraging.

Mr. JAVITS. I shall detain the Senator no longer. I shall vote with the Senator from Arkansas on this basis.

Mr. MILLER. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I am glad to yield to the Senator from Iowa.

Mr. MILLER. I also support the resolution. However, there is some phraseology in the resolution which troubles me somewhat. I should like to ask a question about it. On page 2 of the resolution, there is a clause which reads:

That the Congress approves and supports the determination of the President * * * to prevent further aggression.

I was wondering whether there was any particular design in the wording of that clause, or if we intend to not only talk about further aggression, but also the President's determination to put an end to present aggression?

Mr. FULBRIGHT. That whole phrase reads—

* * * to take all necessary measures to repel any armed attack—

That is one we have just had—
* * * against the forces of the United States and to prevent further aggression.

I am sure that we took action calculated to prevent further aggression, because it was a very good, positive, and affirmative action.

Mr. MILLER. It is left open. It does not say aggression against whom. It is broad enough so that it could mean aggression against the United States, or aggression against the South Vietnamese Government, which I would suggest certainly fits in with the President's determination—

Mr. FULBRIGHT. I believe that both are included in that phrase.

Mr. MILLER. I would hope so.

Mr. FULBRIGHT. I would so take it.

Mr. MILLER. If that is so, then we are talking about further aggression against the South Vietnamese, but it seems to me that we should be talking about present aggressive action. We should be talking about the President's determination to put an end to present aggression as well as further aggression. I am sure that this is his determination, but I do not believe that we have said it. I merely call this to the attention of the Senator from Arkansas, because I thought it was perhaps—

Mr. FULBRIGHT. I do not believe that the Senator should look solely at that part. Section 2 is important and is related to this question.

Mr. MILLER. Section 2—it covers it very well. My own regret is that we do not also cover it in the first part of the resolution.

Mr. FULBRIGHT. Would that not be unduly repetitive and make the resolution longer than necessary? The original resolution proposed to certain members of both committees was quite long and involved. On the advice of members of the committee, the Department cooperated in reducing the resolution to what we thought would be its bare essentials, both as to its "whereas" clauses and to the resolution itself. We thought it would be much clearer and more positive to make it as concise and limited as possible. If there is fault to be found with the resolution because it is too limited, I believe that I, along with some of my colleagues, must bear a part of that responsibility.

Mr. MILLER. I know that it is difficult to draft a resolution of this kind to satisfy everyone and keep it concise. I know that conciseness is a virtue, but all I should like to do is to point out what I have done and, also, to inquire whether there will be any change in the resolution. I leave that up to the distinguished chairman of the committee. I affirm the opinion of the Senator from Arkansas that we are supporting the President's determination not only to prevent further aggression, but also to put an end to present aggression. I would appreciate his expression on that policy.

Mr. FULBRIGHT. Section 1 deals, in general, with the attacks on U.S. forces and the aggression against us. Section 2 deals with the attacks on SEATO, of which we are a part. We have a dual

role. We are a sovereign power. Our forces are in the Gulf of Tonkin, and the aggression there is one thing. We are also part of SEATO. This is not spelled out, but that is the general idea, I believe, that is expressed in the two sections.

Mr. MILLER. But there is no intention expressed other than to prevent further aggression and stop the present aggression in southeast Asia.

Mr. FULBRIGHT. That is correct.

Mr. MILLER. I did not think there was. But I wanted to make that crystal clear.

Mr. FULBRIGHT. The Senator is correct.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I would be glad to yield. But I am embarrassed not to turn the floor over to the Senator from Georgia [Mr. RUSSELL].

Mr. RUSSELL. The Senator need not be embarrassed. He can handle the situation.

Mr. HOLLAND. Mr. President, if either of the two questions that I shall ask concerns matters that the distinguished Senator from Arkansas [Mr. FULBRIGHT] thinks the Senator from Georgia [Mr. RUSSELL] should answer, I shall be glad to refer them to the Senator from Georgia.

My first question is, Based upon the knowledge that we all have, that Malaysia has a long frontier with Indonesia and Burma with Red China, am I correct in my understanding that neither Malaysia nor Burma is a party to or a protocol state of the Southeast Asia Collective Defense Treaty?

Mr. FULBRIGHT. That is correct. In the report, on page 3, there is a statement with regard to the SEATO and protocol members. A statement was made about the protocol members.

Mr. HOLLAND. I heard the statement. I want the record to be very clear that Congress is not being asked by the joint resolution to make any advance commitment relative to these two states.

Mr. FULBRIGHT. The Senator is absolutely correct in his statement. In the preliminary meeting which was concerned with the drafting of the resolution, this very point was brought up. This language does not cover either Malaysia or Burma.

Mr. HOLLAND. I thank the Senator. I have one more question. I note in section 3, with interest and with approval, if I correctly understand it, the provision that, in effect, Congress reserves the right to terminate any advance expression or commitment in this field by the passage of a concurrent resolution upon which the President would not have to pass. Am I correct in that understanding?

Mr. FULBRIGHT. That is correct. This whole joint resolution can be terminated at any time by a concurrent resolution of the Congress. That is taken verbatim, I believe, from the Mideast resolution.

Mr. HOLLAND. Mr. President, I thank the Senator. I believe that is a very proper matter to be included here.

It shows clearly that while Congress is giving various assurances and approval of certain acts, if necessary, by the President in the fields covered by the resolution, it delimits those fields clearly. Then it further reserves to itself the right to terminate, for any cause sufficient to itself, this advance expression or commitment.

Mr. FULBRIGHT. The Senator is correct. That was put there for that purpose.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. NELSON. I could not hear all the colloquy between the Senator from Arkansas [Mr. FULBRIGHT] and the Senator from Iowa [Mr. MILLER]. I heard a part of it.

As I understand, the mission of the United States in South Vietnam for the past 10 years—stating it in the negative—has not been to take over the Government of South Vietnam, and has not been to provide military forces to do battle in place of South Vietnamese forces. To state it in the positive sense, our mission has been to supply a military cadre for training personnel, and advisory military personnel as well as equipment and materiel—our objective being to help in the establishment of an independent stable regime. And, if my memory is right, we had about 1,000 troops there the first 5 or 6 years, up to 1960. There are now approximately 16,000 troops there. In addition, it is now proposed that this number be expanded to, I believe, 21,000.

Looking at sentence 6 of the resolution, I understood it to be the position of the Senator from Iowa [Mr. MILLER] that Congress is saying to the President that we would approve the use of any might necessary in order to prevent further aggression. Am I to understand that it is the sense of Congress that we are saying to the executive branch: "If it becomes necessary to prevent further aggression, we agree now, in advance, that you may land as many divisions as deemed necessary, and engage in a direct military assault on North Vietnam if it becomes the judgment of the Executive, the Commander in Chief, that this is the only way to prevent further aggression"?

Mr. FULBRIGHT. As I stated, section 1 is intended to deal primarily with aggression against our forces. "That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

This means to me that it is with regard to our own forces. I believe section 2 deals with the SEATO area, which we are committed to protect under our treaties, particularly when they ask for our assistance.

If the situation should deteriorate to such an extent that the only way to save it from going completely under to the Communists would be action such as the Senator suggests, then that would be a grave decision on the part of our country

1964

CONGRESSIONAL RECORD — SENATE

17823

as to whether we should confine our activities to very limited personnel on land and the extensive use of naval and air power, or whether we should go further and use more manpower.

I personally feel it would be very unwise under any circumstances to put a large land army on the Asian Continent.

It has been a sort of article of faith ever since I have been in the Senate, that we should never be bogged down. We particularly stated that after Korea. We are mobile, we are powerful on the land and on the sea. But when we try to confine ourselves and say that this resolution either prohibits or authorizes such action by the Commander in Chief in defense of this country, I believe that is carrying it a little further than I would care to go.

I do not know what the limits are. I do not think this resolution can be determinative of that fact. I think it would indicate that he would take reasonable means first to prevent any further aggression, or repel further aggression against our own forces, and that he will live up to our obligations under the SEATO treaty and with regard to the protocol states.

I do not know how to answer the Senator's question and give him an absolute assurance that large numbers of troops would not be put ashore. I would deplore it. And I hope the conditions do not justify it now.

Mr. NELSON. We may very well not be able to nor attempt to control the discretion that is vested in the Commander in Chief. But the joint resolution is before the Senate, sent to us, I assume, at the request of the executive branch.

Mr. FULBRIGHT. The Senator is correct.

Mr. NELSON. It was sent to the Congress in order to ascertain the sense of the Congress on the question. I intend to support the joint resolution. I do not think, however, that Congress should leave the impression that it consents to a radical change in our mission or objective in South Vietnam. That mission there for 10 years, as I have understood it, has been to aid in the establishment of a viable, independent regime which can manage its own affairs, so that ultimately we can withdraw from South Vietnam.

Mr. President, we have been at the task for 10 years. I am not criticizing the original decision to go into South Vietnam. I do not know how long that commitment should be kept in the event we are unable to accomplish our mission. And I would not wish to make a judgment on that question now. But I would be most concerned if the Congress should say that we intend by the joint resolution to authorize a complete change in the mission which we have had in South Vietnam for the past 10 years, and which we have repeatedly stated was not a commitment to engage in a direct land confrontation with our Army as a substitute for the South Vietnam Army or as a substantially reinforced U.S. Army to be joined with the South Vietnam Army in a war against North Vietnam and possibly China.

Mr. FULBRIGHT. Mr. President, it seems to me that the joint resolution would be consistent with what we have been doing. We have been assisting the countries in southeast Asia in pursuance of the treaty. But in all frankness I cannot say to the Senator that I think the joint resolution would in any way be a deterrent, a prohibition, a limitation, or an expansion on the President's power to use the Armed Forces in a different way or more extensively than he is now using them. In a broad sense, the joint resolution states that we approve of the action taken with regard to the attack on our own ships, and that we also approve of our country's effort to maintain the independence of South Vietnam.

The Senator from Wisconsin prompts me to make a remark which perhaps I should not make. He has said that we might be mistaken in our action. If any mistake has been made—and I do not assert that it has been—the only questionable area is whether or not we should ever have become involved. That question goes back to the beginning of action in this area, and I do not believe it is particularly pertinent or proper to the debate, because in fact we have become involved. However, the Senator has mentioned it. As an academic matter, the question might be raised. But having gone as far as we have in 10 years, it seems to me that the question now is, How are we to control the situation in the best interest of our own security and that of our allies? I believe that what we did was appropriate. The joint resolution is appropriate, because it would fortify the strength of the Executive and the Government. It would put the Congress on record—and we are the most representative body that we have under our system—as supporting the action. If anything will deter aggression on the part of the North Vietnamese and the Chinese, I believe it would be the action taken together with the joint resolution supporting the action. That is the best I can do about justification of the resolution. In frankness, I do not believe the joint resolution would substantially alter the President's power to use whatever means seemed appropriate under the circumstances. Our recourse in Congress would be that if the action were too inappropriate, we could terminate the joint resolution, by a concurrent resolution, and that would precipitate a great controversy between the Executive and the Congress. As a practical question, that could be done.

Mr. NELSON. I have a couple of additional questions. But first I wish to say that I did not suggest that by the use of hindsight I would now conclude that the intervention in 1954 was wrong. I do not know. I understand the necessity for the United States, since it is the leader of the free world, to do all it can in furtherance of the protection of the idea of freedom and independence, and that, to do so, we must make gambles. We shall lose some; we shall win some. I believe the public is slow to recognize that we have vast responsibilities, and they expect us to win every gamble that we take. I do not

expect that. And I do not now rise here to criticize the original decision.

But I am concerned about the Congress appearing to tell the executive branch and the public that we would endorse a complete change in our mission. That would concern me.

Mr. FULBRIGHT. I do not interpret the joint resolution in that way at all. It strikes me, as I understand it, that the joint resolution is quite consistent with our existing mission and our understanding of what we have been doing in South Vietnam for the last 10 years.

Mr. NELSON. Did I correctly understand the Senator from Arkansas to say a while ago that the language of the resolution is aimed at the problem of further aggression against our ships and our naval facilities?

Mr. FULBRIGHT. I think that is the logical way to interpret the language. It makes reference to the armed attack against the forces of the United States which has just taken place, and to prevention of further aggression against our forces. Then the joint resolution passes on to our obligations under the treaty, which involves other countries.

I believe also that it is implicit, if not explicit, in the next section that the intent is to prevent the continuing aggression that now exists against South Vietnam.

Mr. NELSON. If the Senator would permit, I should like to ask a few brief additional questions. I could not hear the colloquy between the Senator from Arkansas and the Senator from Louisiana. In relation to international boundary waters, can the Senator tell me what distance offshore we recognize in respect to North Vietnam and Red China?

Mr. FULBRIGHT. Three miles is the established principle that we recognize.

There is some difference among countries. Some countries try to assert a distance greater than that. Some assert a greater distance for reasons such as the ownership of minerals, for example, but do not assert it for political reasons, such as control of the surface of waters. They agree that another country has the right to be there.

Recently an effort has been made to divide the North Sea for purposes of exploration for oil. It is not being divided in the sense that we would be excluded from crossing the North Sea. It is still the high seas.

But we recognize the 3-mile limit for political purposes. We might recognize a boundary a greater distance from a country if that country wished to drill for oil. We have done so in other places.

One of the reasons given for sending the *Maddox* in closer than 12 miles from the shore was that in doing so the action would demonstrate that we do not recognize the 12-mile limit.

Mr. NELSON. That was to be my next question. Does the Senator know how close to the North Vietnam coast or the Red China coast our ships were patrolling?

Mr. FULBRIGHT. It was testified that they went in at least 11 miles in order to show that we do not recognize

a 12-mile limit, which I believe North Vietnam had asserted.

Mr. NELSON. The patrolling was for the purpose of demonstrating to the North Vietnamese that we did not recognize a 12-mile limit?

Mr. FULBRIGHT. That was one reason given for going in to a point 11 miles from the coast. The patrolling as such was not for that purpose. That action was in execution of our mission and our responsibility in that area under the SEATO treaty. As I said a moment ago, we have a right to go where we like on the high seas. The reason we are in this particular area is that we have assumed responsibilities under the treaty as well as bilaterally with South Vietnam.

Mr. NELSON. Recognizing, as we all do, the great sensitivity of all countries, especially enemies, or those hostile to each other to what purpose in the promotion of our mission in South Vietnam is served by having our ships go within 11 miles of the North Vietnam coast?

Mr. FULBRIGHT. This strikes me as a question that raises a difficult problem, with which I tried to deal in describing modern war. The Senator refers to the sensitivities of the North Vietnamese. What about the fact that the North Vietnamese have for years been sending in trained personnel, material, guns, and ammunition, to attack their neighbor? Why should the United States be so careful about the sensitivities of North Vietnam? Of course, we were there for the purpose of observation of what went on in that area, because our people felt it necessary as a part of our activities in protecting and helping to protect South Vietnam.

The problem is difficult. Who is the aggressor in this area? It has been asserted on the floor, and elsewhere, that the United States is the provocateur, the aggressor, and that we ought to be ashamed of ourselves. I do not subscribe to that view. I know it is difficult to go into a person's motives. There is a rule about doing so on the Senate floor. So far as I know of this situation, we have been trying, in good faith, to help these countries establish their own independence.

I have no doubt in my own mind that the moving party in this matter has been North Vietnam, supported by Red China. They feel this is an area over which they should have domination. It is an area over which many centuries ago they did. I have no doubt that in the long run it is an area where they will have great influence. We do not profess or expect to dominate that country or annex it or control it in any way.

We have adopted the principle that we shall do what we can to enable the people there to have an independent life and control their own affairs. We have tried, in good faith, to do it in this area. We have been interfered with, in a most material and vicious and savage way. The program of terror has been almost unprecedented. I suppose there has been some precedent for it, but it has been long continued, violent, and vicious.

We have tried our best to control this situation. We have supported the Government of South Vietnam. We had every right to have patrols in the Gulf of Tonkin to see what was going on and to be informed about any movements—the usual function of patrol in a critical area. I do not see why we should be so responsive to the sensitivities of the North Vietnamese. I am sure that the presence of our ships there is bothersome and irritating to them, but they brought it on themselves. For my part, I do not apologize for it at all. I do not believe they are in any position to question our right to be in the Gulf of Tonkin, or in any position to question our right to assist South Vietnam, however irritating it may be to Ho Chi Minh.

Mr. NELSON. Let me repeat that I presently intend to support the joint resolution. I do not think we should give up recognized international rights. I do not suggest that we need to apologize to anybody. I do suggest—and this is what I do not understand—if patrolling that close has no necessary bearing upon the mission we have insisted we have in South Vietnam, it would seem to me that perhaps it is not the exercise of our best judgment to do it.

Let me put the question another way. Mr. FULBRIGHT. I apologize to the Senator. I was diverted for just a moment. I did not hear what he said.

Mr. NELSON. What I said was that, recognizing what we assert to be our rights, I am suggesting that if patrolling that close does not have a direct, necessary bearing upon the accomplishment of our mission, I am wondering whether we should be taking the risk of the sinking of our ships.

Mr. FULBRIGHT. That is a legitimate question. All I can say is that, from the best information I have, it most certainly has an important relevance to our mission in the observation of the traffic that goes through the area.

Whenever there is a state of tension such as exists between us and South Vietnam on the one hand, and North Vietnam, on the other, I think it is traditional that the activities of the adversary be observed as closely as possible. This is one of the principal sea routes for the supplying of North Vietnam. The information we would normally find there is important.

I do not see how the Senator could believe that this was not relevant to our efforts to assist South Vietnam, or, to put it another way, to restrain the activities of North Vietnam, and especially to be forewarned if there were a possibility of a major blow.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. RUSSELL. May I say to the distinguished Senator from Arkansas that it is extremely irritating to me, and I believe to millions of American citizens, that Soviet Russian ships should patrol the waters and sail in the waters off our coast, 3 miles from our shores, near some of the most sensitive installations we possess. It irritates me no end, but I have not advocated, and very few Americans have advocated, violating interna-

tional law by moving out and making attacks on those Russian ships because they are in highly sensitive areas for us. This kind of activity is carried out by all nations of the world that have any navy worthy of the name. If it is not done by warships, it is done by ships in other guise, to try to get information. The mere fact that to have a ship of a nation one does not like, within international waters, off that country's shores, is irritating, seems to me to be a scanty excuse for the attacks in these two cases. It so happens that in the second attack, as I understand it, the ship was 60 miles offshore.

Mr. FULBRIGHT. Mr. President, I would like to yield the floor.

Mr. SCOTT. Mr. President, will the Senator yield to me before he yields the floor?

Mr. NELSON. Mr. President, I simply am asking questions to be sure I am adequately informed.

Mr. FULBRIGHT. I understand. I do not quarrel with the Senator at all. He is perfectly within his rights to ask for information.

Mr. NELSON. I would conclude by saying that no two situations are comparable, but it would be mighty risky, if Cuban PT boats were firing on Florida, for Russian armed ships or destroyers to be patrolling between us and Cuba, 11 miles out. It would be a grave risk for her to be testing our viewpoint about her patrolling that close when Cuban boats were firing on Florida. So the question was whether the patrolling that close was really necessary to the accomplishment of our mission. We are after all, dealing with the possibility of incinerating the whole world.

Mr. FULBRIGHT. As the Senator from Georgia pointed out, Russian ships come within 4 or 5 miles, although not within 3 miles, of our shores.

Mr. NELSON. I referred to the assumption of Cuban boats firing on Florida.

Mr. FULBRIGHT. We are not firing on Cuba, nor they on us. I do not see how the case is analogous. There is a new state of modern warfare that is not orthodox. It is subversion and guerilla warfare. These people are, for all practical purposes, engaged in a war, without a declaration of war, that is going on between South and North Vietnam.

Mr. NELSON. I have taken enough time. I merely wish to add that it is not quite correct to say that we are not firing on North Vietnam.

Mr. FULBRIGHT. We are not firing on Cuba, I said.

Mr. NELSON. I said assume a situation in which Cuba was firing on the coast of Florida with PT boats. It would be a risky thing for Russia to be out there testing our viewpoint about their patrols within 11 miles of our coast.

Mr. FULBRIGHT. I do not deny that it is risky. The whole operation is risky. It is full of risks.

Mr. NELSON. I hope we do not take risks that are unnecessary for the achievement of an objective that we have asserted to be ours for the past 10 years.

Mr. FULBRIGHT. I hope so.

1964

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SCOTT. I support the resolution. I was glad to hear the chairman say that there is nothing in the resolution which limits the right of the President to repel any attack or prevent further aggression within the areas described in the resolution.

Mr. FULBRIGHT. That is correct.

Mr. SCOTT. That is one of the reasons I support the resolution. As I understand it, the question of so-called privilege sanctuaries has always been a question of how long such sanctuaries remain privileged if the security of the United States is menaced by vessels operating out of such privileged sanctuaries. I believe the President has quite properly and rightly announced that the United States is authorized and seeks approval of Congress to continue to act to defend the United States, even if it be against a so-called or hitherto described privileged sanctuary. Is that not correct?

Mr. FULBRIGHT. I think that is correct. The retaliatory action taken against the bases from which these ships came fits that description.

Mr. SCOTT. I do not have the experience that the distinguished Senator from Arkansas has. However, I have heard the President, in off-the-record discussions, refer to the pros and cons of privileged sanctuaries generally, without reference to a specific country.

I understand he is doing now what he was at any time prepared to do if in his judgment it was necessary to do it.

Mr. FULBRIGHT. It was wise and proper to do it. It is difficult to generalize about these matters. I believe that under the circumstances which existed in this situation he was wise. The action was well calculated and designed to achieve his purpose. I hesitate to generalize too far, because the conditions under which these things are done must be understood. We should not ruthlessly attack a country under different circumstances, perhaps, than these. I have reference to the Greek rebellion. Senators will remember that we had forces there seeking to maintain the independence of Greece. The Communists had a sanctuary across the border. By persistence we finally brought the affair to a successful conclusion. When that border was closed, the rebellion stopped, and Greece went on its way quite successfully as an independent country. That is what we hope to bring about here.

Mr. SCOTT. I believe we all have confidence that the President was right under international law to do what he did, whether it be called hot pursuit or anything else, in order to protect this country.

Is it not a fact that our naval planes, in the course of reconnaissance along the Chinese mainland, have received—and this is not classified information, and it has been published in the newspapers—numerous warnings and, in fact, a series of warnings, for having proceeded within the 12-mile zone, which, of course, we

do not recognize, but these warnings were based on our penetrating what the Communists call a 12-mile zone. That is nothing new. There have been a whole series of similar objections. However, we have been engaged in this process for the purpose of protecting the 7th Fleet and protecting our lines of communication and protecting our roles and missions and protecting the security of the United States.

Our vessels had every right to be where they were within the 12-mile limit and without the 3-mile limit. That is what I understood the Senator to have said.

Mr. FULBRIGHT. I said it so happens—I say this to keep the record straight—that the actual attack, according to my information, took place far beyond the 12-mile limit. The first attack was approximately 25 miles out, and the second was about 60 miles.

Mr. RUSSELL. I believe it was 30 and 60 miles.

Mr. FULBRIGHT. Yes.

Mr. RUSSELL. I might add that our vessels has turned away from the South Vietnam shore and were making for the middle of the gulf, where there could be no question, at the time they were attacked.

Mr. FULBRIGHT. At the time of the first attack they were steaming away from the shoreline. The second attack came at night. The first one was in the daytime. Our ships were not within the 12-mile limit, so called, at the time of the attack. I have stated that from time to time we did go deliberately within the 12-mile limit simply to emphasize our nonrecognition of the 12-mile limit, or, to put it another way, to establish and reaffirm our right to go there.

Mr. SCOTT. That clarifies the situation. I am glad the President has acted. The action was very much indicated. I believe it helps to make our Nation more secure. I intend to support the resolution.

Mr. COOPER. Mr. President, will the Senator yield for two questions?

Mr. FULBRIGHT. Yes.

Mr. COOPER. I know the Senator has been on his feet for a long time.

Mr. FULBRIGHT. It is not that. The Senator from Georgia would like to say something.

Mr. RUSSELL. My remarks will be very brief.

Mr. FULBRIGHT. I am perfectly willing to continue. I believe the Senator from Georgia should have an opportunity to say something.

Mr. COOPER. I thank the Senator. I ask these questions for two reasons: One is to get the opinion of the chairman of the Foreign Relations Committee and of the chairman of the Armed Services Committee as to the extent of the powers that are given to the President under the resolution. The second is to distinguish between a situation in which we act in defense of our own forces, in which without question we would risk war, and the commitment to defend South Vietnam.

My first question goes to the first section of the resolution—the operative part which, as the chairman has said, applies

to any armed attack or any aggression directed against the forces of the United States.

Mr. FULBRIGHT. That is correct.

Mr. COOPER. In that case, of course, we confirm the power that the President now has to defend our forces against an immediate attack.

Mr. FULBRIGHT. The Senator is a very distinguished lawyer, and I therefore hesitate to engage in a discussion with him on the separation of powers and the powers of the President. We are not giving to the President any powers he has under the Constitution as Commander in Chief. We are in effect approving of his use of the powers that he has. That is the way I feel about it.

Mr. COOPER. I understand that, too. In the first section we are confirming the powers.

Mr. FULBRIGHT. We are approving them. I do not know that we give him anything that he does not already have. Perhaps we are quibbling over words.

Mr. COOPER. We support and approve his judgment.

Mr. RUSSELL. Approve and support.

Mr. FULBRIGHT. Approve and support the use he has made of his powers.

Mr. COOPER. The second section of the resolution goes, as the Senator said, to steps the President might take concerning the parties to the Southeast Asia Collective Defense Treaty and the countries under the protocol—which are, of course, Laos, Cambodia, and South Vietnam. The Senator will remember that the SEATO Treaty, in article IV, provides that in the event an armed attack is made upon a party to the Southeast Asia Collective Defense Treaty, or upon one of the protocol states such as South Vietnam, the parties to the treaty, one of whom is the United States, would then take such action as might be appropriate, after resorting to their constitutional processes. I assume that would mean, in the case of the United States, that Congress would be asked to grant the authority to act.

Does the Senator consider that in enacting this resolution we are satisfying that requirement of article IV of the Southeast Asia Collective Defense Treaty? In other words, are we now giving the President advance authority to take whatever action he may deem necessary respecting South Vietnam and its defense, or with respect to the defense of any other country included in the treaty?

Mr. FULBRIGHT. I think that is correct.

Mr. COOPER. Then, looking ahead, if the President decided that it was necessary to use such force as could lead into war, we will give that authority by this resolution?

Mr. FULBRIGHT. That is the way I would interpret it. If a situation later developed in which we thought the approval should be withdrawn, it could be withdrawn by concurrent resolution. That is the reason for the third section.

Mr. COOPER. I ask these questions—

Mr. FULBRIGHT. The Senator is properly asking these questions.

Mr. COOPER. I ask these questions because it is well for the country and all of us to know what is being undertaken.

Following up the question I have just asked and the Senator's answer, I present two situations that might arise.

Under the first section of the joint resolution, the President is supported and approved in action he may take "to repel any armed attack against the forces of the United States and to prevent further aggression."

It has been reported that we have already sent our planes against certain ports in North Vietnam. I am sure that the reason is "to repel armed attack and to prevent further aggression" against U.S. forces.

Under section 2, are we now providing the President, if he determines it necessary, the authority to attack cities and ports in North Vietnam, not primarily to prevent an attack upon our forces but, as he might see fit, to prevent any further aggression against South Vietnam?

Mr. FULBRIGHT. One of the reasons for the procedure provided in this joint resolution, and also in the Formosa and Middle East instances, is in response, let us say, to the new developments in the field of warfare. In the old days, when war usually resulted from a formal declaration of war—and that is what the Founding Fathers contemplated when they included that provision in the Constitution—there was time in which to act. Things moved slowly, and things could be seen developing. Congress could participate in that way.

Under modern conditions of warfare—and I have tried to describe them, including the way the Second World War developed—it is necessary to anticipate what may occur. Things move so rapidly that this is the way in which we must respond to the new developments. That is why this provision is necessary or important. Does the Senator agree with me that this is so?

Mr. COOPER. Yes, warfare today is different. Time is of the essence. But the power provided the President in section 2 is great.

Mr. FULBRIGHT. This provision is intended to give clearance to the President to use his discretion. We all hope and believe that the President will not use this discretion arbitrarily or irresponsibly. We know that he is accustomed to consulting with the Joint Chiefs of Staff and with congressional leaders. But he does not have to do that.

Mr. COOPER. I understand, and believe that the President will use this vast power with judgment.

Mr. FULBRIGHT. He intends to do it, and he has done it.

Mr. COOPER. I do not wish to take more time now, because the distinguished Senator from Georgia wishes to speak, and I want to hear him.

Mr. FULBRIGHT. I have no doubt that the President will consult with Congress in case a major change in present policy becomes necessary.

Mr. COOPER. I will speak further later in the day. I wish to say this now: I know it is understood and agreed that in the defense of our own ships and

forces any action we might take to repel attacks could lead to war, if the Vietnamese or the Chinese Communists continued to engage in attacks against our forces. I hope they will be deterred by the prompt action of the President.

We accept this first duty of security and honor. But I would feel untrue to my own convictions if I did not say that a different situation obtains with respect to South Vietnam. I know that a progression of events for 10 years has carried us to this crisis. Ten years have passed and perhaps the events are inevitable now, no one can tell. But as long as there is hope and the possibility of avoiding with honor a war in southeast Asia—a conflagration which, I must say, could lead into war with Communist China, and perhaps to a third world war with consequences one can scarcely contemplate today—I hope the President will use this power wisely with respect to our commitments in South Vietnam, and that he will use all other honorable means which may be available, such as consultations in the United Nations, and even with the Geneva powers.

We have confidence in the President and in his good judgment. But I believe we have the obligation of understanding fully that there is a distinction between defending our own forces, and taking offensive measures in South Vietnam which could lead progressively to a third world war.

Mr. FULBRIGHT. The question concerns the kind of actions taken in this instance. I think the President took action that is designed to accomplish the objective the Senator from Kentucky has stated. That is what I have tried to make clear. I join in the Senator's hope that all-out war can be avoided.

Mr. McGOVERN. Mr. President, will the Senator yield for one question?

Mr. FULBRIGHT. I shall yield for one question; then I shall yield the floor.

Mr. McGOVERN. The Senator may recall that about 10 years ago, on December 2, 1954, the United States signed with the Nationalist Chinese Government a mutual defense treaty. In effect, we committed ourselves to joint defense for security interests in the western Pacific.

Shortly after that agreement was signed, there was a considerable amount of anxiety expressed in the United States that perhaps we in effect had surrendered control of our foreign policy in that part of the world to the Nationalist Chinese. Partly to offset that anxiety, there was an exchange of notes between Secretary Dulles and the Nationalist Chinese Minister of Foreign Affairs, in which the two gentlemen agreed in effect that if there were to be any action by military forces on the part of either the Nationalist Chinese Government or ourselves in the western Pacific, the two countries would consult with each other, and that any such action would be taken only after mutual agreement.

I am wondering whether there is any similar protection written into the security arrangements that we have with reference to South Vietnam. Is that kind of protection, for example, written into the SEATO agreement, or in any of the

notes which have been exchanged between our Governments, so that we would not, in effect, be surrendering control of our actions in southeast Asia to the Government of South Vietnam?

Mr. FULBRIGHT. I do not believe we are surrendering control to them. Under the SEATO Treaty, as I recall it, we take our own actions according to our constitutional processes. I do not believe that we have surrendered control of our actions. However, as a practical matter our influence upon the Government of South Vietnam is a matter of relations between our Ambassador and General Khanh. We consult daily, I believe, with regard to the conduct of our mutual affairs in that area. To give a short answer, I know of no exchange of notes, or anything of that kind. I do not recall any testimony on the precise point the Senator has brought up.

Mr. McGOVERN. What I am getting at is, suppose the Government of South Vietnam, for whatever reason, should decide to launch a major military attack on North Vietnam, would we be obligated in any kind of arrangement we have with South Vietnam?

Mr. FULBRIGHT. No. We have no obligation to follow through with a situation which we believe to be unwise, stupid, or silly. We could disavow it and withdraw and have nothing to do with it. We have no treaty agreement or any other agreement that I know of that binds us to follow through with that.

Mr. LAUSCHE. The southeast Asia treaty provides specifically that it is applicable only when aggressions are committed against members of the treaty, and is not applicable should members of the treaty commit aggressions against countries other than those who are members of the treaty. That is written into the treaty.

Mr. FULBRIGHT. I believe that it also applies only to aggression from Communist countries.

Mr. MORSE. It covers the protocol countries.

Mr. McGOVERN. I was not a Member of the Senate at the time, and I know that the Senator from Arkansas knows infinitely more about it than I do, but when the Formosa resolution was approved by Congress early in 1955, I believe that the approval for that resolution was secured partly because of the exchange of notes which had taken place months before, in which both Nationalist China and the United States agreed that neither country would undertake any kind of military action in the Pacific without making it a joint action. It is on the basis of that assurance that the Formosa resolution was approved. So that is why I rose to ask my question.

Mr. FULBRIGHT. I know of no such exchanges in this case.

Mr. McGOVERN. I thank the Senator.

Mr. FULBRIGHT. Mr. President, I yield the floor.

Mr. RUSSELL. Mr. President, I shall be very brief in my comments in support of this resolution.

Mr. STENNIS. Mr. President, would the Senator from Georgia wish to suggest the absence of a quorum?

Mr. RUSSELL. I do not think so. I thank the Senator, however, for his thoughtfulness.

Mr. President, this resolution has precedents in those that were adopted at the time of the crisis in Formosa, at the time of the crisis in the Middle East, and also in connection with Cuba. These other resolutions will be remembered by many Members of the Senate.

Some reservation has been expressed about the grant of power—which is broad power—to the President. The language that grants this power to the present President of the United States is almost identical with the language used in granting similar power to President Dwight D. Eisenhower in the case of Formosa, and Matsu and Quemoy—the two islands just off the Chinese mainland held by Chiang Kai-shek against the wishes of Red China. The Red Chinese had been shelling those islands intermittently and there was great apprehension that they were about to launch an attack to capture them.

Congress granted President Eisenhower almost the identical power that would be granted in section 2 of this resolution, to enable him to protect those islands, in the event that he concluded they were important and vital to the maintenance of international peace and security, and the vital interests of the United States.

What became of that power?

It is in existence at this very moment.

Senators refer to the new power which is being granted today. But the power granted to President Eisenhower existed during the tenure in office of John Fitzgerald Kennedy, and resides at this very moment in Lyndon Baines Johnson at the White House—power which is very similar, except for the geographic area involved, to that which we propose to grant today in the case of North Vietnam.

The same is true with respect to the Middle East resolution. We granted certain power to President Eisenhower in March of 1957, in connection with the situation in the Middle East, by approving a resolution that reads:

The President is authorized to undertake in the general area of the Middle East military assistance programs with any nation or group of nations in that area desiring such assistance. Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use Armed Forces to assist any such nation or group of nations requesting assistance against armed aggression from any country controlled by international communism.

What became of that power?

It is in existence today. It has never been terminated or annulled by the means set forth in the resolution. The same situation is true in the case of the Cuban resolution. The power that was originally granted to President Kennedy, the assurance of support from the Con-

gress, is in existence today and resides in the Chief Executive.

Unless some steps should be taken to cancel it, the power granted in this resolution with respect to the vast difficulties in Vietnam—and I do not underestimate them, neither do I undertake to underrate them—will continue for whoever is elected President in November.

Mr. President, the spirit of crisis and impending danger that hung over this Chamber when we were considering the Formosa resolution was far greater than it is at this very hour. But in that instance, and when we approved the other similar resolutions, our national solidarity and our steadfastness in the face of crisis prevented much more serious and much broader military action.

I am sure that all of us who intend to vote for the joint resolution pray that the adoption of the resolution, and the action that may be taken pursuant to it, will achieve the same purpose and avoid any broadening of war, or any escalation of danger.

This resolution does not alter the constitutional separation of responsibility for the conduct of foreign relations for the command of our Armed Forces and for the establishment and maintenance of our Armed Forces. Instead, the resolution is intended to demonstrate that Congress approves the retaliatory action that has been taken in defense of our flag and our Armed Forces, and that Congress shares in the determination that this country will do everything necessary to defend our national interests, wherever they may be endangered.

The events that bring the resolution before us are too well known to require detailed repetition. Suffice it to say that U.S. naval vessels have been attacked while in international waters. The President has authorized a response. That response was, in a way, commensurate with the attacks up to this point. If there is further unprovoked military action against our forces, response under this resolution will undoubtedly be tailored to fit the facts and needs of that situation.

There is, of course, the hope that the outrageous attack which gave rise to this resolution is only a spontaneous, irresponsible action by the North Vietnamese without the direction and approval of any of their Communist associates. The rulers of North Vietnam must know that any further belligerency toward us or our forces can lead to their destruction. If they prove to be so irresponsible as to continue these unprovoked attacks, they will be inviting consequences of the direst sort.

In the present circumstances, it will serve no useful purpose to debate the wisdom of our original decision to go into Vietnam. It is unnecessary for me to state that I had grave doubts about the wisdom of that decision. It would certainly do no good to dwell on those doubts here today. Indeed, second guesses about our foreign policy, and what it should be in that area, or whether our support to South Vietnam has been too much, or has been too little, are not involved directly in the question

before us. What is involved is our right as an independent state to operate our vessels upon international waters that have been recognized as free to all states for many centuries. Involved also is our national honor. Our national honor is at stake. We cannot and we will not shrink from defending it. No sovereign nation would be entitled to the respect of other nations, or, indeed, could maintain its self respect, if it accepted the acts that have been committed against us without under taking to make some response.

Our Armed Forces are capable of a broad range of reaction. In the instant case, the President selected one so limited that no reasonable and objective observer could assume a desire on our part to escalate the war or to broaden its scope. I shall say, however, that if future events demand a more vigorous response, this Nation has the power, and I believe our people have the will, to use that power. The portents of this resolution are great. No action whatever can be taken in the field of international relations in today's troubled world that does not involve some danger. But I submit to this body the view that I firmly believe there is much more danger in ignoring aggressive acts than there is in pursuing a course of calculated retaliation that shows we are prepared to defend our rights.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. SALTONSTALL. Mr. President, unfortunately I have been at a legislative appropriation conference. I have not heard all of the discussion. But I know that the chairman of the Committee on Foreign Relations and the chairman of the Committee on Armed Services have gone into the broad aspects of this problem very thoroughly. I join the Senator from Iowa and with the two committee chairmen in sponsoring this resolution. I believe it is of fundamental importance to our prestige in the world today and to the prestige of our armed services.

Mr. President, from the beginning of our Nation, Massachusetts men have always gone down to the sea in ships. We are proud of our Navy. We know its strength and effectiveness in preserving our country and our defenses.

Its prestige and the prestige of our country in the eyes of the world is at stake.

It is the responsibility of the President to take immediate action to defend our country when he believes that it is under attack in one way or another.

As the representative of all our people, he now asks Congress to support him in the position he has taken in this instance where our Navy has been fired upon. He made the decision to retaliate for the attack.

The resolution before us today lends support to the President's decision to defend our Navy and to build up and to maintain its prestige in the eyes of the world.

I support it wholeheartedly and hope that the Senate will adopt it by an over-

whelming vote. Because I believe in the sentiments and principles set forth in the resolution, I joined in sponsoring it.

I believe it is one of the most fundamental propositions to come before the Senate since I have been a Member of this body and I hope there will be little opposition to it.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glad to yield to the Senator from Missouri, who happens to be the only Member who serves on both committees that met jointly to consider the resolution today.

Mr. SYMINGTON. Mr. President, I have listened with great interest to the remarks of the distinguished senior Senator from Georgia, the leading civilian military authority in this town today. I would associate myself with his remarks, as well as with those of the distinguished chairman of the Committee on Foreign Relations, one of the truly great scholars of those matters having to do with foreign affairs.

It seems to me this is a relatively simple matter we are discussing this afternoon.

I would agree that it is not as serious as other recent crises and most certainly it is not as serious as the Cuban confrontation, where a possible aggressor had nuclear weapons.

The matter for decision is whether the United States accepts an attack on one of its ships 65 miles offshore or should defend itself against this clearly planned aggression.

If we allow these attacks to proceed without any response, the position, the prestige of the United States abroad that part of the world, very possibly in all other parts of the world, would suffer a serious loss of respect. The free world continues free today because of the physical, economic, and above all spiritual strength of the United States, although we welcome any and all support from our allies. It is a privilege to be on the floor of the Senate and hear my chairman once again express his pride and confidence in the future of America. It is also a privilege to associate myself with his remarks.

Mr. RUSSELL. I thank the distinguished Senator for his very kind words.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. RUSSELL. I shall yield first to the Senator from Louisiana, and then I shall be glad to yield to the Senator from Iowa, who is a member of the Foreign Relations Committee.

Mr. ELLENDER. Mr. President, I am in thorough agreement with the views expressed by my friend the senior Senator from Georgia [Mr. RUSSELL].

I should like to ask whether or not the Senator knows if any effort has been made by us in the last few days or in the past to get our allies to join us in our effort, and whether any insistence has been made by his committee in order to effectuate that endeavor.

Mr. RUSSELL. Mr. President, that question is not primarily within the purview and jurisdiction of the Armed Ser-

ices Committee, but I may say to my distinguished friend that no one feels more deeply than I do—about the fact that when the United States intervenes, many others who have equal responsibility have tended to say, "Let Uncle Sam do it." I will say that I have been assured by both the Secretary of State and the Secretary of Defense that they have endeavored to get assistance. The Senator is familiar, of course, with the peculiar conditions that exist with respect to France at the present time.

France is a nation that had more familiarity with this area of the old colonial days than any of the other nations of the Western World. Great Britain is a tried and trusted friend. But they are engaged at the present time in the Malaysian operations. Their armed forces are not as large as I should like them to be. But their military strength is on a standby status under the threats that have been issued by Sukarno against the new state of Malaysia.

Australia has increased its assistance in Vietnam within the past 6 or 8 months. They actually have personnel in the field now as advisers with military units, just as American military personnel serve with those units.

I do not make any of those statements to indicate that I think our associates are doing as much as they can or as much as they should. But there has been some increase at least, and I hope and earnestly pray that this will be a harbinger of willingness to assume a fairer share of the great responsibility of protecting the free world from domination by international communism.

Mr. ELLENDER. Does not the Senator think that it is incumbent upon us as members of the SEATO organization to make every effort to get assistance from the members of SEATO? As I understand, France, the United Kingdom, Pakistan, New Zealand, Australia, the United States, the Philippines, and Thailand, are members of SEATO. Is it not incumbent upon us to have a meeting of SEATO before we go too far? The reason I make that statement is that I fear that we shall once again be left holding the bag, alone, unless we do something along those lines.

Mr. RUSSELL. I share the Senator's feeling. The Senator knows that SEATO meets at regular intervals. We have been assured that our representatives have urged increasing assistance. The question is important, not only from a military standpoint, but also from a psychological standpoint. It is important that all countries associated in SEATO make a more substantial contribution to this deplorable condition that exists in Vietnam.

As I said at the outset, the question is one which is more within the jurisdiction of the Foreign Relations Committee than that of the Armed Service Committee, but I have been concerned about it. I have done what I could to encourage our representatives to insist upon greater participation.

Mr. ELLENDER. I express the hope that action will be taken soon, and that we shall not have a repetition of what happened in South Korea. As the Sen-

ator knows, we carried most of the burden there—in fact, over 90 percent of it—and in excess of 90 percent of the soldiers who died in South Korea, other than South Koreans, were American.

Mr. RUSSELL. We carried more than 90 percent of the financial and logistical cost.

Mr. ELLENDER. Yes, indeed, we did. Unless we take action now to try to get our allies to assist, the chances are that the burden will fall upon us.

Mr. RUSSELL. I thank the Senator. I now yield to the distinguished Senator from Iowa.

Mr. HICKENLOOPER. Mr. President, I thank the distinguished Senator from Georgia. I shall not repeat the philosophical and political arguments that have taken place on the floor of the Senate in support of the resolution. They have been amply presented by the Senator from Georgia, the chairman of the Armed Services Committee, and by the Senator from Arkansas, the chairman of the Foreign Relations Committee. As one of the cosponsors of the joint resolution, I merely wish to approve the basic arguments underlying the submission of the joint resolution and its purposes, its necessity, and its justification.

We are in a serious situation. Any time a question of this kind comes up it is of the utmost seriousness. I shall not go far enough to say that it is a question of extreme situation. I do not know whether I dare use that word or not. But it is of the greatest seriousness. I will say that. Therefore we must act, not only in defense of the national honor and the prestige of the United States, but also in defense of the basic principles which we will either defend or see destroyed and eroded away by our inaction.

I have always felt that it was a little bit silly, if a fire started in one of the main buildings of a town or in someone's house, to call a meeting of the town council to determine whether the fire department should be called. Meanwhile, the fire is burning down the building. Someone must get a bucket or a hose and put out the fire.

We are up against much the same situation here on the question with which we are confronted. As the Senator from Georgia has pointed out, the proposed action is not without precedent. In my experience, which has encompassed the various resolutions to which the Senator has referred in his argument, we have joined with the President on various occasions in certain defined areas of the world for the purpose of protecting the interests of the United States and the protection of freedom. On certain principles involved in Presidential action, involving force, I am not in full agreement with all of my colleagues; I am in agreement with some and in disagreement with others as to the inherent power of the President or the extent of such power.

In this case there is not the slightest question in my mind that the President not only has full authority, but has a responsibility, to protect American institutions and interests when they are

attacked, without having to come to the Congress for that authority.

At a future date, the question of use of American force may give rise to some persuasive arguments, perhaps on both sides of the question. However, a resolution of this kind forecloses that argument and joins the Congress with the President of the United States in unity in saying that when our forces are attacked, when we are endangered, we are united, not only in repelling, but, if necessary, in attacking the source of that infection or difficulty that is threatening us. That is why I say it is our responsibility. That is why I have joined as a cosponsor of the resolution.

I, as I am sure every Member of the Senate, regrets that we must take this action, but we must let not only our enemies but our friends in the world know that there is a line beyond which the United States will not tolerate destruction or endangering of freedom.

If we are to survive in a world of freedom—if that is to be our objective—we will keep our commitments and hold our heads high, as we always have, and defend our liberties and rights.

While this issue could become emotional, I hope we are approaching it with considerable calmness and objectivity. I am sure the overwhelming majority of the Members of this body are approaching it with objectivity and calmness, but sincere determination and unity on any issue must be shown not only to our enemies, but to our friends.

I join the Senator from Louisiana in the earnest hope and desire that our allies and associates will come in with us. That is very true. But again, if someone is drowning and another has the power to save him, he does not say, "I won't jump in and get you out unless you and you and you also jump in with me and help me get the person out of duance vile and a state of extremus."

When something like that happens, we have a responsibility to ourselves, to our civilization, and to the cause of freedom, to do something about it. I think that is the way we are approaching the issue here.

We must invite and urge all freedom-loving nations to join with us, if possible, but a dangerous situation exists now. That is why the resolution is urgent and essential. It is why I support it. As the President pointed out similar authority exists in other areas, and it will only enlarge those powers for this section of the world, under the circumstances which exist there.

I congratulate the Senator from Georgia for the clarity of the statement he has made.

Mr. RUSSELL. I thank the Senator from Iowa. I have been privileged to serve with him for many years. He approaches these problems without the slightest hint of partisanship. He is a great patriot and Senator. No more loyal or dedicated patriot has ever served in the Senate.

Mr. GRUENING. Mr. President, it is always difficult not to accede to a request from the President of the United States, especially one which is couched in terms of high principle and national in-

terest. I have no doubt that the President fervently believes that the course he is pursuing in southeast Asia is in the best interests of the Nation.

By long established practice, the Executive conducts the Nation's foreign policy. But the Congress and particularly, by constitutional mandate, the Senate has a right and duty in these premises to "advise and consent." Especially is this true when it is specifically called upon by the Executive, as is the case now, for its participation in momentous decisions of foreign policy. Therefore we in the Senate would be derelict in our duty if we did not individually express our views if those views embody doubt or dissent, and where a vote is called for, to cast that vote as our conscience directs.

As early as March 10, nearly 5 months ago, I took the floor and in an address of considerable length urged that the United States get out of South Vietnam, at least to the extent of participation by our soldiery. Since that time, I have discussed U.S. participation in this area of the world repeatedly. I have stated and restated my view that this was not our war; that we were wholly misguided in picking up the burden abandoned by France 10 years ago after the French had suffered staggering losses running into tens of thousands of French young lives and vast sums of money to which the United States contributed heavily, and thereupon entering upon a policy which would be bound to result, as it has resulted, in the sacrificing of the lives of our young Americans in an area, and in a cause that in my reasoned judgment poses no threat to our national security.

I have repeatedly called attention to the pertinent fact that we, the United States, are going it all alone; that our SEATO allies, the United Kingdom, France, Australia, New Zealand, the Philippines, Pakistan, and Thailand, are not taking part, despite our earnest pleas for them to do so, which pleas may, in recent days, have resulted in a few slight taken gestures which are wholly insignificant. I have called attention to the fact, and do again, that whereas American boys are dying in combat, although presumably they are there as advisors, no British boys are on the firing line; no French boys are any longer at the front, they appear to have learned their lesson; no Australian youths are being killed; no New Zealand youngsters are being sacrificed; no Philippine casualties are being incurred; and the same may be said for the Pakistanis, despite the fact that we have given them close to a billion dollars in military aid.

In any event, I am convinced that peace will not be established by military means. Sooner or later the issue is bound to be settled at the conference table. Eventually, why not now?

While I am deeply convinced that American security is not involved, the allegation that we are supporting freedom in South Vietnam has a hollow sound. We have been supporting corrupt and unpopular puppet dictatorships which owe their temporary sojourn in power to our massive support. They have scant support from their own peo-

ple, who have shown little disposition to fight. Hence our steadily increasing involvement. Yet we have persistently alleged that the war cannot be won except by the South Vietnamese. It is not happening, nor will it.

Some weeks ago I urged on the floor of the Senate that the United States take the lead in seeking a cease-fire, and that this be accompanied and implemented by a United Nations police force, as has been done in the Congo and is being done in the formerly troublesome border between Israel and Egypt. It has worked there. It has largely put an end to border strife and killing. Why not try it in South Vietnam, where the cost in lives has already proved infinitely greater?

But the United States has not pursued peace as it has pursued and carried out armed intervention on an ever-increasing scale.

The latest episode—the attack by North Vietnam vessels—on U.S. naval vessels, I consider an inevitable development of the U.S. steady escalation of our own military activities in southeast Asia in recent weeks. I do not justify or condone that attack on our ships. It was both stupid and outrageous. I do not at all disagree with the administration's policy of countering this attack and of not merely repelling the attackers but destroying them and giving them the same medicine which they seek to inflict on our vessels.

But that does not mean that I can approve the whole U.S. policy of active, unilateral military intervention in southeast Asia, and I have expressed myself repeatedly to that effect in the Senate.

I repeat now that I do not consider this our war and that I feel that all Vietnam is not worth the life of a single American boy. We inherited this putrid mess from past administrations, and we should have made, and should now make, every effort to disengage ourselves. We have lost altogether too many American lives already. Unless we reverse our policy, their number will steadily increase.

I regret, and consider it a pity, that both our political parties appear now to be committed to a policy of war in southeast Asia. Yet American public opinion, judged by my mail, is overwhelmingly committed to a different policy—a policy of peace. It apparently at this time has no spokesman in the high councils of either major political party. My mail pours in with virtual unanimity on this subject. It comes from all over the country. It comes from a truly representative cross section of the American people. It includes bishops, deans of schools and colleges, university professors, business executives, teachers, retired Army officers and it comes from every State of the Union.

The case against the pending proposal to endorse our southeast Asian policy of steadily increasing escalation, which despite the President's expressed desire not to extend the war, has taken place and will take place inevitably, the case against this pending resolution, was admirably, and in my view—wholly convincingly—set forth in great detail yes-

terday by the distinguished senior Senator from Oregon, WAYNE MORSE.

I would hope that every Member of this body would have read his comprehensive analysis of how the situation has reached its present tragic involvement before each casts his vote. No one, in the Senate or elsewhere, can consider himself fully informed to pass judgment on the momentous decision we are asked to make and its involvement of our country without hearing both sides of the argument. The press has given very little of this other side.

Senator MORSE has presented the case for not voting approval of the administration's course. I have long supported a similar view. I do support enthusiastically the taking of the latest episode; namely, the attack by North Vietnamese vessels on U.S. naval vessels, and our reprisal, to the United Nations.

But not merely this serious incident which is a part of the undeclared war in southeast Asia, should be considered. The United Nations should not be limited to consideration of that incident by itself. I do not see how it can logically do so. Let us hope—and I do hope—that out of this may come a complete investigation by the United Nations of the whole southeast Asian situation, and that from this may emerge a referral of that situation to the council table.

The joint resolution, Senate Joint Resolution 189, which we are considering in section 2, bases its case in part on the charter of the United Nations. The drafters of this resolution seem to have disregarded several other provisions of the United Nations Charter, which seem to me highly pertinent, indeed far more pertinent.

Article 33 provides:

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

I submit, Mr. President, that the United States, as well as North and South Vietnam, have totally ignored this specific mandate. Have any of these three parties to this dispute, as this article requires, sought "a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice"?

Mr. President, I ask this question:

Has the United States, has South Vietnam, has North Vietnam, obviously parties to the long-standing dispute, or have any of our SEATO presumed allies, following the clear prescription of article 33 of the United Nations Charter, sought "first of all"—let me note that the charter says "first of all"—a solution by negotiation?

Have they sought a solution by inquiry?

Have they sought a solution by mediation?

Have they sought a solution by conciliation?

Have they sought a solution by arbitration?

Have they sought a solution by judicial settlement?

Have they sought a solution by "resort to regional agencies or arrangements"?

Have they sought a solution by resort to "other peaceful means of their own choice"?

Obviously, they have not. Obviously, none of the parties to the dispute, "the continuance of which" is certainly "likely to endanger the maintenance of international peace and security," sought any one of the eight means which the United Nations Charter spells out so clearly.

The United States has not only not done so. It has not even attempted to do so.

South Vietnam, whose policies and very existence the U.S. controls, has not done so.

North Vietnam has not done so.

Obviously, the United States, far from being, as Senate Joint Resolution 189 asserts in section 2, "consonant with the Charter of the United Nations," has flagrantly disregarded it.

But to have done otherwise, to have resorted to these peaceful means, namely, "first of all" to "seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means," would have been precisely the policy which I deeply believe we should have followed.

At the very least we should have tried.

But, instead, we have become more and more enmeshed in the folly of an inherited policy, with steady enlargement of the area of conflict, a steady increase in American participation, and a mounting loss of American lives.

Despite the President's declared worthy purpose not to expand the conflict, the conflict has been and is being steadily expanded. We are adding more advisers, and we are increasing our participation by all three branches of the service—Air Force, Navy, and Army. And with these increases, there will be inevitably an increasing loss of American lives.

It is a difficult and painful decision for me to make, but in good conscience I cannot do other than to vote "no" on the pending resolution.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the text of Senate Joint Resolution 189 be printed in the Record at this point in my remarks.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military, or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

SEC. 3. 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, except that it may be terminated earlier by concurrent resolution of the Congress.

Mr. KUCHEL. By way of emphasis I wish to read section 2 of the resolution, as follows:

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Mr. President, this is not the first time that the legislative branch of our Government has been called upon to recognize and to confirm in the President the authority, the duty, and the responsibility resting in him to take such steps as he deems appropriate under our Constitution, to defend our country and our people, and to discharge America's solemn obligations as they may arise through our agreements for collective security with like-minded free nations all around the globe.

I remember the Middle East resolution. I remember the Formosa resolution. Both came to Congress from President Eisenhower. Both were requested so that all might know that the people's representatives in this branch of the Government agreed with the Chief Executive of the United States with respect to the authority he possessed and the circumstances under which he would be compelled to utilize his power.

Those two resolutions demonstrated to all the world the unity, dedication, and solidarity of purpose not only among the representatives of the people in Congress and the President, but among the people of our country as well.

1964

CONGRESSIONAL RECORD — SENATE

17831

Once again a storm is gathering over a long tormented area of this weary world. Ominous and ugly are the threat and thrust of communism in southeast Asia. The storm may yet be dissipated, but only if the Red regime unmistakably understands that the United States will honor its pledge and assist her SEATO allies in time of peril.

That is the plain intent of the joint resolution now about to be passed by Congress. Let friend and foe alike understand that we—America—shall keep the faith. Our country stands together in the face of danger. That is the clear meaning of our message. If Communist Asia, even at this late time, carefully assesses the high cost of her contemplated marauding aggressions, peace can return to the lands of her peaceloving neighbors, and the sun will shine again.

Mr. CHURCH obtained the floor.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. CHURCH. Mr. President, without losing my right to the floor, I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator for yielding.

Few persons have had more concern than I during the last 10 years about the growing menace and threat by the Communists to freedom in Vietnam. I have recently taken sworn testimony, classified, from some of our pilots who have been on duty in Vietnam during the last 2 years. I can say with solemnity, but with certainty, that a grave and serious situation already exists on the mainland of Vietnam. We are involved to an appreciable degree.

Someone has suggested that the conditions necessitating this joint resolution are not nearly so serious as those which confronted us when the Formosa joint resolution was before Congress. On the whole, I suppose I would agree. Still, I believe we would make a great mistake if we minimized in any degree the gravity and seriousness of the situation confronting us now.

I do not believe the American people have been sufficiently warned and informed about the gravity of conditions there.

I remember that when the Formosa resolution was before the Senate for consideration a few years ago, a Member of this body, who is no longer with us, said he believed that if the resolution were passed, the United States would be at war in 90 days. That prediction proved to be erroneous. On the contrary, I believe the Formosa resolution helped us to avoid war. I believe this one will, too. That is one of the major reasons why it deserves support.

Today we have no choice. Our flag has been attacked, and our country has been challenged in international waters—on the high seas—where we had a right to be. Our flag and our men have been fired upon. Many hundreds, if not thousands, of our naval personnel could have lost their lives had the torpedoes been more accurately aimed and hit one or more of the destroyers.

We properly gave the aggressors fair warning after the first shot. Then they

hit us again. Very properly, we then struck back.

The matter has now been referred to Congress, to see what we will do; whether or not we believe the action taken was right; whether we shall stand on that realistic policy in the future; and whether we are united. Either we must stand our ground or run away. That may be oversimplicity; but if we do not send such a message as that, we are in reality inviting another attack from any nation, large or small, who might wish to push us around.

We have already struck the aggressors a severe blow. Section 1 of the resolution merely expresses the attitude of Congress that we will stand by it and will strike again, if necessary. I believe this firm course, if we take it, may be our last or only chance to avoid what could quickly develop into full-scale war. The joint resolution shows our unity as well as our determination. It also shows that no one dares to attack us without paying a heavy price therefor.

I emphasize that the situation is serious; but it will become far worse if we show the slightest weakness or hesitation. If we must have a showdown, it is far better that it comes before Red China obtains nuclear weapons. Our honor, our safety, and our security are at stake.

For these reasons, I shall vote for and support the resolution. None of us are happy about the situation in Vietnam and about our position there. But that bridge has long since been crossed. We are already there. We dare not run away, certainly not while we are under attack. I am sure the people will support this position. They will be given the opportunity to understand more about what is happening in Vietnam.

I commend the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Georgia [Mr. RUSSELL], the Senator from California [Mr. KUCHEL], and other Senators for their remarks and their position on this grave matter and endorse their position.

Mr. CHURCH. Mr. President, the ominous events that have taken place in the Gulf of Tonkin merely serve to emphasize how close we are living to the fuse of war. Whether those events have lighted that fuse remains for the future to disclose.

None of us has any doubt about why this joint resolution is before the Senate. It results directly from the Communist attack on the American destroyers. Those ships, when attacked, were on the high seas, where they had a legal right to be. Those ships, from all that we have been told, were not engaged in my aggressive action directed against the shores of North Vietnam.

Our reply to the first attack upon the *Maddox* was confined to the immediate defensive needs of the destroyer. When a second, clearly premeditated attack followed, the President chose not to confine over counteraction to the immediate defenses of the ships involved, but to retaliate in kind. Having twice been stung by bees, he chose to strike back at the hive itself. Still, the retaliation was limited to the PT bases on the North

Vietnamese coast, and to the petroleum tanks that fueled the PT boats themselves.

The President is to be commended for the restraint, as well as for the promptness and effectiveness of the American retaliation.

In the narrowest sense, the joint resolution could be supported on grounds of ratifying the action already taken, our right to free access to the seas, and our duty to defend ourselves, in appropriate ways, against attacks upon us.

Mr. President (Mr. SALINGER in the chair), I believe that on such ground alone Congress would be justified in its support of the joint resolution, upon the principle that the punishment was fitted to the crime.

The President has emphasized—and I believe properly so—that in the retaliatory action we have taken, there is not to be read any change of purpose on the part of the United States. He has stated that it is not our policy or our purpose to expand the war. If that expansion occurs, then it will be the choice of others—not our own. I am in wholehearted agreement with the emphasis he has given to the peaceful goals we hope to serve, and to the fact that it is not the policy of the United States to extend the war in southeast Asia.

But, Mr. President, it would not be either candid nor correct to consider this resolution on such narrow grounds.

It is necessary to recognize that our situation today must be viewed within the context of American policy in the Far East; otherwise, our ships would not be in the Gulf of Tonkin, and the serious events of the past few days would not have occurred.

I have had doubts about American policy in southeast Asia. I have expressed those doubts from time to time, in this Chamber, in interviews for publication in newspapers, and in magazine articles I have written. My doubts have not been eradicated by the attacks made upon American destroyers in the Gulf of Tonkin. My misgivings have not been dissipated by the ominous events of the past few days. Rather, they have been intensified. Because who can say that these events are not the natural consequence of the hazards we have assumed by the policy we have adopted in this part of the world?

We had every reason to expect that some such incident might occur. It is a risk we assumed, necessarily, when we chose to intervene, following the defeat of the French, in that great peninsula which was once French Indochina—when we assumed an American responsibility for the future of this remote region of the world.

I have entertained and continue to entertain, serious misgivings about the correctness of American policy in southeast Asia. It seems to me that this policy is more the product of our own addiction to an ideological view of world affairs—an affliction which affects us as well as the Communists—rather than a policy based upon a detached and pragmatic view of our real national interests.

However, my dissent, to the extent that I hold it, and to the degree that I have

been able to define it, is not appropriate for this occasion. This is not a time to decry the policy. A country must live with the policy it adopts, whether it be wise or foolish.

We have adopted the policy. It was initiated under the Eisenhower administration, when the original decision was made for the United States to intervene actively in South Vietnam. It has been inherited and upheld by the Kennedy administration, and by the Johnson administration, in the years which have followed.

Congress shares its responsibility for that policy. If we have not formulated it, we have funded it, from year to year, with our votes. Who is there to say that we have not acquiesced in it down through the years?

So, Mr. President, we must accept the consequences of our own actions. We must now face the fact that the difficulties in which we find ourselves are our responsibility, in having chosen to pursue a course of action which exposed us to such hazards.

It is in this spirit that I approach the pending joint resolution. Under the circumstances, we must unite behind the President.

The attack upon us cannot be justified. It was an act of aggression. When this country, or its ships, or its military personnel are made targets of attack, then Congress will uphold whatever action the President takes in defense of American interests and American lives.

I shall vote for the joint resolution in the belief that President Johnson will wisely use the authority conferred by the resolution, and that he will have the same attitude toward it that he has displayed in other crises; namely, an attitude of reason, responsibility, and restraint.

I believe that President Johnson is a man of peace. I believe that he is sincerely interested in doing everything possible to keep the war from spreading, in this seething and dangerous area of the world.

At the same time, I believe that he will uphold the honor and the good name of the United States against any nation that would make itself our enemy.

Mr. President, it is with a heavy heart, with a genuine concern about the future of American policy in Asia, and with a zealous desire that we might examine all of its tenets in the days ahead, that I shall vote for the joint resolution, confident that in a time of crisis the President's hand must be upheld, and that the lives and interests of the U.S. citizens must be protected against all her enemies.

Mr. GORE. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. GORE. I wish to congratulate the Senator upon an able, candid, courageous, and eloquent address.

With him, I have attended many executive sessions of the Senate Foreign Relations Committee for the past few years in which the subject of U.S. policy and action in the Indo-chinese Peninsula was under discussion.

The able Senator has lucidly put forward his reservations and doubts. Although I have not publicly voiced my doubts, as has the Senator from Idaho, nevertheless, in the performance of the duty of a Senator to advise and consent, I have, in the executive sessions of the committee, expressed deep concern and I have raised critical questions as the Senator from Idaho will recall, about U.S. policy in Vietnam.

Perhaps I was remiss in not giving public expression to these views. But every Member of this body performs his duty as he sees it. It had been my view that I could perform best and most responsibly in executive sessions of the committee.

Now, however, when U.S. forces have been attacked repeatedly upon the high seas, as I said immediately upon the convening of the Senate after the second attack, whatever doubts one may have entertained are water over the dam. Freedom of the seas must be preserved. Aggression against our forces must be repulsed.

I compliment the Senator and associate myself with almost all the sentiments he has expressed.

To go further back, I was one of those who did not think it wise for the United States to undertake this burden after the fall of Dienbienphu. That, too, is history. We must act today in light of facts today.

I join the Senator in the conclusion he reaches in support of the joint resolution. I join him, too, in confidence that President Johnson will act with prudence, caution, and wisdom, and with the courage necessary for the eventualities that may come.

Mr. CHURCH. I thank the Senator very much for his remarks. I appreciate them more than I can say.

CHARTER FOR NATIONAL TROPICAL BOTANICAL GARDENS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1991) to charter by Act of Congress the National Tropical Botanical Garden, which were, on page 1, line 8, strike out "associates and"; on page 1, line 10, strike out "national" and insert "Pacific"; on page 2, line 8, after "bylaws," insert "not inconsistent with this Act,"; on page 2, line 11, before "purposes" insert "objects and"; on page 2, line 12, strike out "purposes and objects" and insert "objects and purposes"; on page 2, line 24, strike out "sciences" and insert "sciences,"; on page 2, strike out line 25; on page 3, strike out line 13; on page 3, line 14, strike out "(b)" and insert "(a)"; on page 3, line 16, strike out "(c)" and insert "(b)"; on page 3, line 17, strike out "(d)" and insert "(c)"; on page 3, line 20, strike out "(e)" and insert "(d)"; on page 3, line 25, strike out "(f)" and insert "(e)"; on page 4, strike out lines 1 through 8, inclusive; on page 4, after line 8, insert:

(f) to take and hold by lease, gift, purchase, grant, devise, or bequest, or by any other method, any property, real, personal, or mixed, necessary or proper for attaining the

objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State or the District of Columbia (1) governing the amount or kind of such property which may be held by, or (2) otherwise limiting or controlling the ownership of any such property by a corporation operating in such State or the District of Columbia;

On page 4, line 9, strike out "(h)" and insert "(g)"; on page 4, line 12, strike out "(i)" and insert "(h)"; on page 4, line 18, strike out "(j)" and insert "(i)"; on page 5, line 12, after "Sec. 6." insert "(a)"; on page 5, line 16, before "The" insert "(b)"; on page 8, line 8, after "trustees," insert "The Corporation shall also keep at its principal office a record of the names and addresses of its members entitled to vote."; on page 8, strike out line 15; on page 8, strike out lines 16 through 23, inclusive, and insert:

USE OF INCOME; LOANS TO OFFICERS, TRUSTEES, OR EMPLOYEES

SEC. 13.(a) No part of the income or assets of the corporation shall inure to any member, officer, or trustee, or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation in amounts approved by the board of trustees of the corporation.

(b) The corporation shall not make loans to its officers, trustees, or employees. Any trustee who votes for or assents to the making of a loan to an officer, trustee, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

On page 9, strike out lines 1 through 3, inclusive; on page 9, strike out line 4; on page 9, strike out lines 5 through 8, inclusive; on page 9, after line 8, insert:

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

On page 9, line 9, before "Upon" insert "Sec. 14."; on page 9, line 13, strike out "through the National Park Service"; on page 9, line 17, after "trustees" insert ". consistent with the purposes of the corporation."; on page 10, lines 3 and 4, strike out "National" and insert "Pacific", and to amend the title so as to read: "An Act to charter by Act of Congress the Pacific Tropical Botanical Garden."

Mr. DIRKSEN. Mr. President, S. 1991 passed the Senate July 23, 1964, and on August 3, 1964, the House passed the bill with amendments. The principal effect was changing the name to the Pacific Tropical Botanical Garden, so as not to give the organization preference over other tropical botanical gardens, both public and private.

The sponsor of the Senate bill has advised the Committee on the Judiciary that he desires the Senate to concur in the amendments of the House.

On behalf of the Committee on the Judiciary, I, therefore, move that the Senate concur in the House amendments to S. 1991.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois.

The motion was agreed to.

COMMEMORATION OF FORMER PRESIDENT HOOVER'S 90TH BIRTHDAY

Mr. DIRKSEN. Mr. President, I ask unanimous consent that an attested copy of Senate Joint Resolution 184, for the commemoration of the Honorable Herbert Hoover's 90th birthday, August 10, 1964, approved by the President of the United States on August 6, 1964, may be prepared and printed in such appropriate format and binding as the Joint Committee on Printing may direct, and that it be transmitted to the former President by the Secretary of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY IN SOUTH-EAST ASIA

The Senate resumed the consideration of the joint resolution (S.J. Res. 189) to promote the maintenance of international peace and security in southeast Asia.

VICTORY AND PEACE IN SOUTHEAST ASIA

Mr. SIMPSON. Mr. President, whatever the reasons may be for some Senators opposing either the language or the purpose of the resolution before the Senate, I am sure that there can be no disagreement on one point—that party lines cease to exist on issues affecting the national security of the United States and of the free world. I rise to lend my wholehearted support to this resolution. I was heartened by the decision to strike against the naval bases from which the unprovoked attacks on our naval ships were launched. At long last perhaps here is the beginning of the initiative that has been totally lacking in our southeast Asian effort, for it is our purpose not only to "assist in defense," as the resolution states, but to assist in achieving victory against an avaricious enemy bent upon the total conquest of all of southeast Asia.

Mr. President, I support this resolution because in Vietnam there is a crisis in which politics has no part. But, let me say that I sincerely hope that the next time Soviet missiles are implanted in Cuba or the next time Cuban exiles attempt to exercise their rightful prerogatives in fighting for the freedom of what was once known as the Pearl of the Antilles the United States will act with spontaneity, enthusiasm, and force comparable to what we have done in Vietnam.

It is tragic that a response as dramatic as our destruction of naval bases upon the territory of a sovereign Asian state was not executed in our own hemisphere in October of 1962 or even earlier—in April of 1961. Had we responded then with arms as well as metaphors, we could have struck a significant blow for freedom and independence in our own hemisphere.

I support wholeheartedly the military action of this Government against the North Vietnamese naval bases, and I support this resolution in the sincere and reverent hope that it indicates an end

of our policies of indecision, vacillation, and compromise, and heralds the beginning of that measure of commitment which will forge victory from the Communist-fomented chaos of southeast Asia.

Mr. PELL. Mr. President, I support the pending resolution.

Not only is it important to stand behind our President in this time of tension, when unity is above partisan debate, but I have confidence in President Johnson's prudence and in his determination to avoid any unnecessary widening or escalation of military clashes.

I have full confidence that the President with his wide experience and his intimate knowledge today of the facts of this situation will even further strengthen our efforts toward peace as he seeks to avoid any weakening of our position and purpose.

Still, let us think ahead as we support this resolution. Ho Chi Minh's action cannot have been by error or accident. Therefore, let us practice prudence and play our hand with reason and calmness. If we over-respond, we can, by destroying installations considered vital by Communist China to her national interest, induce an outpouring of Red Chinese soldiers as happened in Korea.

In the days and weeks ahead, this current crisis may—and probably will—worsen. Let us act—and wisely. And, let us resolve here and now, today, in wisdom, and for the sake of our people and Nation, to keep this issue removed from the arena of political conflict and ambition. Rather, let us support this issue in the reasoning place of men's minds which we have helped establish for this purpose—the United Nations.

I would hope, too, that other freedom-loving Asian nations, particularly Pakistan, the Philippines, and Japan, might help us carry some of the burdens for keeping the peace in the Far East. It is also their responsibility to participate in this endeavor, which is vital to their safety and security as well. It is my hope that such a sharing of the load may also emerge from the United Nations Security Council.

This country's policy cannot, and must not, be pummeled for the sake of political gain. As an American, I urge leaders of both political parties to exert every effort to keep Vietnam out of this campaign.

I trust the people and press of the world will be aware that as the world's strongest nation and defender of freedom, we will not stand for unprovoked attack or aggression, but at the same time be aware we do not seek material or territorial gain. We only desire freedom, for ourselves, and for peoples of other nations.

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withdraw that request?

Mr. MORSE. I shall withdraw it on the condition that the Senator from Kentucky [Mr. COOPER] asks for a quorum call at the close of his remarks, unless I am back on the floor.

Mr. COOPER. That is agreeable.

Mr. MORSE. Mr. President, I withdraw the request for a quorum call.

Mr. COOPER. Mr. President, I appreciate the courtesy of the Senator from Oregon.

A few moments ago I directed several questions to the chairman of the Foreign Relations Committee, and I spoke briefly on the joint resolution. I wish now to raise some considerations which I know have addressed themselves to the President of the United States, but which we have the duty, in this debate, to convey to the President of the United States.

I intend to vote for the joint resolution. I shall vote for it not merely because we are required to do so because of recent events. I shall vote for it because it expresses the unity of one purpose to defend our country.

The first section of the resolution supports the President and approves his determination to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression. That is his right and authority. If we have any power to confirm it, we do confirm it. We support him in his power to protect the security of our country and its honor. I join other Senators wholeheartedly in asserting our support of the President.

Earlier, I raised questions about the second section of the joint resolution, although I know it is practically impossible to separate the objectives of the first section from those of the second section. In response to my questions, the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT], and I believe, the chairman of the Armed Services Committee, the Senator from Georgia [Mr. RUSSELL], confirmed my viewpoint that in passing this joint resolution we would satisfy the conditions of the SEATO treaty, and would exercise our constitutional function to give the President of the United States authority to do what he determines may be proper and necessary with respect to any situation which affects our security in South Vietnam.

I believe that is the essence of the second section. At least that was the meaning and interpretation given to it by the chairman of the Foreign Relations Committee.

There is no choice so far as the first section of the joint resolution is concerned. If there is any attack upon our troops, our vessels, or our installations, we have the duty, for our security and our honor, to defend our own forces.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. COOPER. I am glad to yield.

Mr. MORSE. I am not sure I understand the meaning of the Senator's comment on the SEATO treaty. Is the Senator arguing that the SEATO treaty gives us the authority to do what we have done in South Vietnam?

Mr. COOPER. No. What I said is that article IV of the SEATO treaty provides that in the event of an armed attack upon one of the parties to the SEATO treaty, or upon the countries such as South Vietnam included in the protocol, the United States, or any party

to the treaty, could take action after resorting to its constitutional processes—which I would assume would mean coming to the Congress for authority.

Earlier today I asked the chairman of the Foreign Relations Committee and the chairman of the Armed Services Committee whether they considered that, by enacting the resolution, the Congress would be exercising its constitutional process, providing to the President power to take such action as he determined proper in South Vietnam in the future?

Mr. MORSE. I shall not interrupt the Senator further. I shall discuss the point in detail later. I only wish the Senator to know that, in my opinion, we have violated the United Nations Charter time and time again in South Vietnam, and that we cannot justify it on the basis of carrying out the SEATO treaty.

Mr. COOPER. A few minutes ago, the Senator from Mississippi [Mr. STENNIS] said that the situation is not simple. We are in a crisis.

I hope that this joint resolution, connected with the resolute action the President has taken, will have effect in bringing the North Vietnamese and the Communist Chinese to their senses, and that they will know that to continue to take aggressive measures could lead to consequences which can hardly be contemplated. And we must know for ourselves the extent of the determinations we are making. Whether we dislike saying it—and there is a tendency to dislike making the statement—it must be said that there is great danger in the situation. The two attacks upon our destroyers indicate a system in the action of North Vietnam or the Communist Chinese.

We remember that, during the early days of the Korean war, the threats of Communist China were not believed—but they were carried out. We must contemplate, hoping that it will not be true, the possibility of an expanded war. And with an expanded war, which again we hope will not occur, there is the possibility of a great war.

I make this statement because the President has, with respect to our action in South Vietnam, a certain maneuverability, and avenues of negotiation which should be assiduously used, however they may be received.

I have confidence in President Johnson. I know that he is a man of good judgment. I know that he speaks truly when he says it is not our intention to expand the war except as it would be in our own defense. And I know that he is a man of peace. But I hope very much that he will continue to make every effort to find, if it is possible, some solution for the situation in South Vietnam, without the choice of war.

I may not be joined by others in the statement I am about to make, but I have not believed that southeast Asia is the chief area of interest to the United States. We are committed in Europe and believe our chief interest is in the Western Hemisphere and Europe. In the Pacific we are committed to the defense of Formosa, Korea, Japan, and the Philippines. I do not know how widely we

can spread our resources and our men in the military forces. It may be argued that this decision has been made, because for 10 years we have been on the present course, in South Vietnam. But I shall still emphasize my hope that the President of the United States will use all of the great powers of his office and of our country to find some peaceful and just solution in South Vietnam, slender as the chance may be.

The Senator from Oregon has argued the subject for months; I have spoken on it. There is still the possibility of reference to the United Nations. There is still the possibility of action through the Geneva powers; and these courses must not be overlooked.

Like many other Senators, I have had some experience in war, an experience which I value above all others. Anyone who has had such experience knows, awesome as it is, that it does not make one less afraid or less courageous. It makes one determined to protect the security and honor of his country. But it makes one also more determined and more thoughtful about seeking out every honorable and just course to avoid the possibility of a great war, and the awful eventuality of a nuclear war with all the sorrow and disaster it would bring to our country and humanity.

I am hopeful that the joint resolution and the President's action will bring reason to the North Vietnamese and the Communist Chinese, and that they will cease their aggressions. But I state my conviction that the President and the Congress have the responsibility to continue to work for ways, consonant with our honor and security, to avoid the great catastrophe of war. If we cannot do so, we stand together to defend, at whatever cost, our country and freedom.

Mr. JAVITS. Mr. President, I should like to support the position just enunciated, with his usual heart and humanity, as well as wisdom, by my colleague from Kentucky. I rise not necessarily because he needs any support. His word is strong enough in this Chamber and in the world. I rise only because the discussion ties in so closely with the questioning of the Senator from Arkansas on the real meaning and implication of the Southeast Asia Collective Defense Treaty. We who support the joint resolution do so with full knowledge of its seriousness and with the understanding that we are voting a resolution which means life or the loss of it for who knows how many hundreds or thousands? Who knows what destruction and despair this action may bring in the name of freedom? I hope we shall be very sober in our judgment, as befits the great historic tradition of this body.

We have a right to expect from the President of the United States, who will receive this great grant of confidence, which I am sure the Senate will give by an overwhelming vote, and from the Foreign Relations Committee, which has direct charge of these matters in this body, as vigorous a diplomatic effort as we are authorizing in the other field. We have every right to believe that the nations in the SEATO treaty have interests in this region as great as ours. They may

not be able to muster the military power we can, but they certainly can muster some help which will give them a sense of participation. We know they can muster great moral strength. There is a great population in that area. Pakistan has a population of more than 100 million. India, though in dire trouble, is still the counterweight to Communist China. She has a profound interest in what happens in that area. Indonesia, Malaysia, and Thailand have considerable influence. All those strengths must be mustered, in a physical and moral sense. The same is true of France, Great Britain, and others.

I thoroughly agree with the Senator from Oregon [Mr. MORSE] as to the moral strength—although I do not agree with him as to what we have to do in this situation—that must be mustered by the United States, constantly and continuously, to appeal to the conscience of the world, in order to give the world an opportunity to bring about a sense of justice and morality, and an opportunity to act in its own freedom.

In fundamental aspect, the prize that the Chinese Communists are seeking is the possession of the great arsenal of production in Asia, including Japan. The aim of Communist China in respect of Japan is parallel to that which the Soviet Union, in its worst Stalinist days, had toward Germany. They seek a ready-made arsenal in order to develop it quickly—

Mr. LAUSCHE. Mr. President, will the Senator yield? Will he repeat what he just said? I think it is important.

Mr. JAVITS. I thank the Senator. The objective of the Chinese Communists is the great arsenal of production which is Japan, just as the objective of the Soviet Union in its Stalinist days—and probably still is—was the great arsenal of production which was Germany. They are the main bases which the Communists are seeking to capture.

We must understand the deep feeling of every American and every American family on this question. I have already received in my office, as I am sure all other Senators have, numerous telegrams since yesterday on this subject. I was awakened three times between 12 o'clock and 3 in the morning—and I do not complain; I understand the feelings of the families involved—by people in New York telling me how deeply concerned they were and with what prayer and devotion I must determine how to act on the joint resolution.

For those people we have a pledge to use every instrument of diplomacy, as we are willing to use every element of force, necessary to preserve freedom.

We have also another pledge. The Senator from Kentucky [Mr. COOPER] said it was expected that these means should be used with the greatest moderation and understanding of the vital issue with which we are dealing.

Also, and finally, we have the sad duty which generals have in war, of comparing the number of casualties we are willing to endure in order to achieve an objective which will save even greater casualties. Does anyone think that President Truman had an easy decision