

Viet Nam

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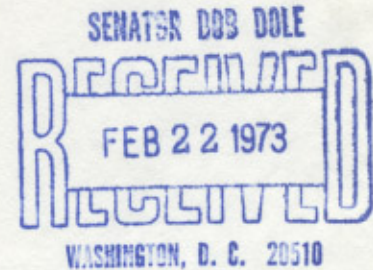
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United States Senate

COMMITTEE ON ARMED SERVICES

WASHINGTON, D.C. 20510

T. EDWARD BRASWELL, JR., CHIEF COUNSEL AND STAFF DIRECTOR



As you know, President Nixon achieved his Vietnam ceasefire on terms that completely met the goals the President had set. He resolutely refused to compromise these goals despite a campaign of unprecedented criticism, and cries for "peace at any price."

It has disturbed me, as a United States Senator, that some members of the Congress were in the vanguard of those pressuring the President to settle for less than an equitable agreement.

In each of the first four years of his Presidency, Congress debated measures that would have tied the President's hands in negotiating, deserted our prisoners and prevented the military actions necessary to bring the war to a close.

The record shows a total of 87 major Congressional efforts to force the President to withdraw from Vietnam without achieving a negotiated settlement. A copy of that record and my comments on it are attached.

I know you will be interested in reviewing these attempted encroachments upon Constitutionally granted Presidential authority as Commander in Chief. A close study of their provisions shows that they would have produced far less than the settlement eventually negotiated. This is an important lesson for all those having more than a passing interest in national affairs. Because the President had the courage to persevere in what he knew was right, the people of Indochina have a reasonable prospect for a lasting peace.

Sincerely yours,

John Tower
John Tower

Attachments

Mr. President:

President Nixon's peace agreement is beginning to take hold and American guns are now silent in Vietnam. Our ears are greeted by another silence--Capitol Hill no longer rings with cries for disguised surrender. There were many mistakes in the handling of the Vietnam war. But I shall always regret the persistent misguided efforts by certain members of Congress to restrict the authority of the Commander-in-Chief while our men were still fighting overseas.

Time and time again in the last four years we have seen serious efforts made to undermine our efforts in Vietnam--and our goal to end the fighting on terms of honor. A study of the record shows no fewer than 87 such major legislative proposals pushed in the Congress between 1969 and 1972.

The chief target of these proposals was President Nixon--a man unfortunate enough to inherit this war but courageous enough to bring it to an honorable end. Now that the struggle is ending, I think it is about time that his critics concede to the President the credit he so clearly deserves.

Congressional interference culminated in Senator McGovern's campaign proposal in 1972 to withdraw unilaterally without making arrangements to get our prisoners back and our missing accounted for. In addition, "the McGovern package" called for the United States to disarm our South Vietnamese allies as we left--leaving them defenseless in the face of 14 divisions of heavily armed North Vietnamese troops plus the Viet Cong. McGovern would have further warned President Thieu of the imminent end of U. S. economic assistance.

In retrospect, as we review the agreement and its provisions relating to the South Vietnamese and to our POW's, it is clear that the McGovern proposals would have prevented the achievement of an honorable peace settlement. Fortunately for the United States and fortunately for history, that plan was buried by the American people when nearly 61 percent of them voted for the re-election of the President.

However, similar proposals kept coming up in Congress throughout the first four Nixon years. Many of them drew considerable support. And though no extremely restrictive plans passed, several critical one-vote margins were recorded, bringing us to the brink of a Constitutional crisis.

But more importantly, each of these cut-and-run plans tended to give the enemy encouragement to hold out, to refuse serious negotiation. Each held out the prospect of the Congress handing Hanoi what it could not win on the battlefield. Those who argue that the war could have been ended sooner are probably right. Had some members of Congress not given Hanoi so much encouragement to abstain from serious negotiations, a just settlement in all probability could have come earlier.

Here is what some of the most prominent legislative restrictions would have done if they had been adopted:

--The President would have been forced to withdraw our forces by a certain date, regardless of the military and political situation as of that date, and with no protection for either the South Vietnamese or our prisoners.

--Money to support our fighting men would have been cut off, or severely limited.

--The President would have been forbidden to carry out military operations, even if he deemed them necessary to protect American lives.

All in all, the political opposition to the Commander-in-Chief within the Congress was one of the unhappiest stories in Congressional history. But we can be thankful that we had a President who was courageous enough to hold the course and bring an honorable end to this tragic conflict.

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Attachment

H.R. 15495. Defense Procurement Authorization. Brooke substitute amendment for Cranston amendment requiring a cutoff of funds for support of U.S. air, naval and ground troops in Vietnam, Laos and Cambodia within four months of enactment of the bill, pending the release of U.S. prisoners of war. Adopted 49-47: August 2, 1972.

H.R. 15495. Defense Procurement Authorization. Mansfield motion to table the Allen motion to reconsider the vote by which the Brooke amendment was agreed to. Brooke amendment called for cutoff of funds for support of U.S. troops in Indochina four months after enactment, pending the release of U.S. prisoners of war. Agreed to 49-47: August 2, 1972.

H.R. 15495. Defense Procurement Authorization. Mansfield motion to table the Scott motion to reconsider the vote by which the Allen motion was rejected. Agreed to 52-45: August 2, 1972.

H.R. 15495. Defense Procurement Authorization. Adoption of the Cranston amendment as it was replaced by the Brooke substitute which called for the cut-off of funds for support of U.S. military activities in Indochina four months after enactment, pending release of U.S. prisoners of war. Adopted 50-47: August 2, 1972.

H.R. 15495. Defense Procurement Authorization. Mansfield motion to table the Pastore motion to reconsider the vote by which the Cranston amendment was adopted. Agreed to 51-46: August 2, 1972.

H.R. 15495. Defense Procurement Authorization. Pastore motion to table the Dole amendment stating Congress accepted the full responsibility for the consequences of policy they wrote into the bill. Agreed to 59-38: August 2, 1972.

H.R. 15495. Defense Procurement Authorization. Mansfield motion to table Miller amendment requiring full accounting by the North Vietnamese for those missing in action in Indochina prior to withdrawal of U.S. troops from Indochina. Rejected 1-96: August 2, 1972.

H.R. 16593. Defense Appropriations. Proxmire amendment banning the use of funds for the continued aerial bombing of Vietnam, Laos and Cambodia, and reducing the bills appropriation by \$2 billion to reflect savings from the bombing ban. Rejected 26-55: October 2, 1972.

H.R. 15495. Defense Procurement Authorization. Harrington amendment to cut off all funds as of 1 September 1972, subject only to POW release and MIA accounting. Rejected 152-244: June 27, 1972.

H.R. 16029. Foreign Military Aid Authorizations. House Foreign Affairs Committee adopts for the first time an "End the War" amendment calling for the termination of activities in and over Indochina by 1 October 1972, subject to a cease-fire, release of POW's and accounting of MIA's. Adopted 18-17: August 1, 1972.

H.R. 16029. Foreign Military Aid Authorizations. Whalen amendment postponing the effective date of provision terminating U.S. involvement in Indochina war to 31 December, 1972, from 1 October, 1972. Rejected 109-304: August 10, 1972.

H.R. 16593. Defense Department Appropriations, Fiscal 1973. Addabbo amendment calling for a cut-off of all funds appropriated in the bill to support U.S. involvement in Indochina. (The fund cut-off would take place four months after enactment of the bill pending release of U.S. prisoners of war and an accounting for those missing in action.) Rejected by recorded teller vote 160-208: September 14, 1972.

1971

H.R. 6531. Military Selective Service Act. Fraser amendment prohibiting involuntary induction of military personnel for training and service in Indochina or involuntary extension of tour of duty. Rejected 122-160: April 1, 1971.

H.R. 6531. Military Selective Service Act. Gonzalez amendment prohibiting involuntary induction of Armed Forces personnel for training and service in any area of armed conflict outside the U.S. and its territories, except during period of war declared by Congress. Rejected by Voice Vote: April 1, 1971.

H.R. 6531. Military Selective Service Act. Gibbons amendment prohibiting use of inducted military personnel in combat or for deployment to a combat zone after June 30, 1971, except in the event of: Presidential affirmation of an armed attack on the U.S. or an imminent attack requiring Armed Forces mobilization; congressional authorization of such induction or force mobilization; congressional declaration of war; or personal consent to such induction. Rejected 97-279: April 1, 1971.

H.R. 6531. Military Selective Service Act. Ryan amendment prohibiting the assignment of active duty personnel strengths from use in South Vietnam, Cambodia, Laos, North Vietnam, and adjacent waters. Rejected by Voice Vote: April 1, 1971.

H.R. 6531. Military Selective Service Act. McGovern-Hatfield amendment prohibiting the expenditure of authorized or appropriated funds after December 31, 1971, to support the deployment of U.S. Armed Forces in or the conduct of U.S. military operations in or over Indochina; not to be construed as affecting Presidential authority to provide for the safety of U.S. Armed Forces or of South Vietnamese, Cambodians, and Laotians during withdrawal (or asylum for the latter) or for assistance to the nations of Indochina in amounts approved by Congress; stipulating, however, that in the absence of arrangements on the part of North Vietnam and other adversary forces for the release and repatriation by December 31, of all American prisoners (arrangements to be made 60 days after enactment), the U.S. withdrawal deadline may be extended for 60 days and Congress may by joint resolution authorize further action as is recommended by the President to secure American prisoner release and repatriation. Rejected 42-55: June 16, 1971.

H.R. 6531. Military Selective Service Act. Chiles amendment prohibiting the expenditure of authorized or appropriated funds after June 1, 1972, to support the deployment of U.S. Armed Forces in or conduct of U.S. military operations in or over Indochina; not to be construed as affecting Presidential authority on the same counts as in the above amendment; stipulating, however, that the prohibition will have no effect in absence of the completion (by 60 days prior to June 1, 1972) of the release and repatriation of all American prisoners of war or Americans designated as missing in action but held as prisoners of war by North Vietnam and other advisory forces in Indochina. Rejected 44-52: June 16, 1971.

H.R. 6531. Military Selective Service Act. Cook amendment (as amended by Mansfield amendment as a substitute) declaring it to be the policy of the United States to terminate all involvement of the U.S. Armed Forces in Indochina as soon as practicable, and to withdraw, within a period not to exceed nine months, all U.S. military forces and equipment from South Vietnam, Laos and Cambodia; prohibiting the expenditure of funds authorized or appropriated under this or any other law after nine months from the date of enactment to support the deployment of U.S. Armed Forces in or the conduct of U.S. military operations in or over South Vietnam, Laos, Cambodia, or North Vietnam; stipulating that if after 60 days following enactment the President is unable to obtain a firm commitment from the North Vietnamese Government for the release of all U.S. personnel held captive by it and other allied forces, the above provisions will have no further force and effect unless Congress provides for their extension; not to be construed as effecting Presidential authority on the same counts as in the above amendment; and outlining specific pro-

cedural arrangements for immediate congressional consideration and votes on bills and resolutions related to withdrawal. Adopted 61-38: June 22, 1971.

H.R. 6531. Military Selective Service Act. Mansfield amendment (as substitute to Cook amendment) declaring it to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than nine months after the date of enactment subject to the release of all American prisoners of war held by the North Vietnamese Government and its allied forces; urging and requesting the President to implement the above expressed policy by initiating immediately the following actions: (1) establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the North Vietnamese Government and its allied forces at a date not later than nine months after enactment; (2) negotiating with the North Vietnamese Government for an immediate ceasefire by all parties to the hostilities in Indochina; (3) negotiating with the North Vietnamese Government for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war and for the release of any remaining American prisoners concurrently with the withdrawal date established pursuant to the above or an earlier negotiated date. Adopted 57-42: June 22, 1971; on June 28, 1971, a similar provision was voted by the House, 219-175.

H.R. 6531. Military Selective Service Act. Conference report changing Mansfield amendment declaring it to be the sense of Congress (rather than the policy of the United States) that the United States terminate at the earliest practicable date all military operations of the United States in Indochina, and provide for the prompt and orderly withdrawal of all U.S. military forces at a date certain (rather than not later than nine months after the date of enactment) subject to the release of all American prisoners held by the North Vietnamese Government and its allied forces; urging and requesting the President to implement the above expressed policy by initiating immediately the same actions as detailed in the original amendment, except that "establishing a final date for the withdrawal from Indochina of all military forces of the United States" becomes a directive to "negotiate with the Government of North Vietnam for the establishing of a final date. . .", and the original phrase stating that the parties involved may establish an earlier with-

drawal date by negotiation than the stipulated nine-month date is deleted. Adopted 55-30: September 21, 1971. A similar provision had been adopted by the House by 297-108 on August 4, 1971.

H.R. 8687. Military Procurement Authorization. Nedzi-Whalen amendment prohibiting the expenditure of funds after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any military operations in or over North Vietnam, South Vietnam, Cambodia, or Laos except in the event of Presidential determination that such limitations would prevent the safe and orderly withdrawal of all U.S. military personnel from Vietnam or ensure the return of prisoners of war; not to be construed as affecting the constitutional power of the President as Commander-in-Chief, or his power to provide asylum or other safety measures for endangered South Vietnamese citizens or military/ economic assistance to Cambodia, Laos, or South Vietnam consistent with the amendment; or as affecting the assignment of customary military personnel to diplomatic missions. Rejected 158-254: June 17, 1971.

H.R. 8687. Military Procurement Authorization. Robison amendment prohibiting the expenditure of appropriate funds after April 30, 1972, to support the deployment of U.S. military personnel or the conduct of U.S. military operations in or over South Vietnam, North Vietnam, Laos, or Cambodia or by such date as a ceasefire has been arranged either by the parties involved or the United Nations or by any group of neutral nations, and if by such date agreement has been consummated on the identification and exchange of prisoners of war, and if all American prisoners have been released. Rejected by Voice Vote: June 17, 1971.

H.R. 8687. Military Procurement Authorization. Mink amendment prohibiting the expenditure of appropriate funds after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos. Rejected 79-327: June 17, 1971.

H.R. 8687. Military Procurement Authorization. McDade amendment prohibiting the expenditure of appropriated funds after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos, provided that all U.S. prisoners of war under control of the North Vietnamese, the Vietcong, or their allies, be released not less than four months prior to the above date and that the latter parties refrain from interfering with the safe withdrawal of U.S. troops. Rejected 37+146: June 17, 1971.

H.R. 8687. Military Procurement Authorization. McKinney amendment requiring that an agreement be reached prior to December 1, 1971, between the U.S. and North Vietnamese Governments setting a definite date for ceasefire and mutual return of prisoners of war. Rejected by Voice Vote: June 17, 1971.

H.R. 8687. Military Procurement Authorization. Findley amendment prohibiting the use of resources authorized by the Act to support action by U.S. combat forces in Vietnam except as required to effect the safe withdrawal of all such forces by the earliest practicable date; not to be construed as limiting the authority of the President to take necessary measures to secure the safe return of U.S. prisoners of war or to provide asylum for those endangered by the withdrawal of U.S. forces. Rejected on Voice Vote: June 17, 1971.

H.R. 8687. Military Procurement Authorization. Badillo amendment prohibiting the use of any funds authorized by the Act for engaging in the organization, supervision, or conduct of any military or paramilitary operation of any kind in Vietnam, Cambodia, Laos, or Thailand (including any guerrilla warfare operation) that would necessitate execution by forces composed in whole or in part of mercenaries, regular or irregular personnel of any armed force of any foreign nation or area, a prohibition to apply expressly to the Central Intelligence Agency or any agency acting on its behalf. Rejected 46-172: June 17, 1971.

H.R. 8687. Military Procurement Authorization. Harrington amendment striking out line 18 on page 5 and all that follows down through page 7, line 4. (No other text appears in the Record date; however, the Congressional Quarterly notes that the amendment would have removed from the bill \$2.5 billion authorized for support of local and free world forces in Indochina. Rejected 29-128: June 17, 1971.

H.R. 8687. Military Procurement Authorization. Pepper amendment prohibiting the expenditure of authorized funds after June 1, 1972, to support the deployment or maintenance of U.S. Armed Forces in or the conduct of U.S. military operations in or over Indochina; stipulating, however, that the prohibition will have no effect in absence of the completion (by 60 days prior to June 1, 1972) of the release and repatriation of all American prisoners of war or Americans designated as missing in action but held as prisoners of war by North Vietnam and other adversary forces in Indochina; not to be construed as affecting the authority of U.S. Armed Forces or of South Vietnamese, Cambodian, and Laotians during withdrawal (or asylum for the latter) or for assistance to the nations of Indochina in the amounts approved by Congress. Rejected 147-237: June 17, 1971.

H.R. 8687. Military Procurement Authorization. Symington amendment beginning with the word "local on page 5, line 26, strike out through the word 'Thailand' in line 1 on page 6 and insert in lieu thereof "local forces of Laos in Laos and local forces of Thais in Thailand." Immediately before the quotation marks on page 6, line 25, insert the following: "Notwithstanding any other provision of law (including but not limited to the foregoing provisions of this paragraph), none of the funds made available under this or any other law may be used to support any member of a local force of Laos in Laos who is not a citizen or national of Laos." Not acted on.

H.R. 8687. Military Procurement Authorization. Montoya amendment prohibiting the expenditure of authorized or appropriate funds under this or any other law after February 3, 1972, to support the deployment of U.S. Armed Forces in or the conduct of U.S. military operations in or over Indochina; noting that such date may be postponed by the President to a date not later than six months after enactment if he determines and notifies Congress in writing that the South Vietnamese government has conducted a freely contested presidential election in which the rights of all campaign workers were guaranteed, the franchise of the South Vietnamese people protected, and the election conducted in a manner consistent with the purposes of the United States in behalf of the South Vietnamese; not to be construed as affecting the authority of the President on the same counts as in the above (Pepper) amendment; urging and requesting the President to negotiate with the North Vietnamese Government for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war and for the release of any remaining American prisoners concurrently with the withdrawal of all remaining U.S. military forces by a date not later than six months after the February 3, 1972 deadline. Rejected 25-60; October 6, 1971.

H.R. 8687. Military Procurement Authorization. Gravel amendment prohibiting the expenditure of authorized or appropriated funds under this or any other law after enactment to bomb, rocket, napalm, or otherwise attack by air any target whatsoever within Cambodia, Thailand, North Vietnam, and Laos, and prohibiting the same within South Vietnam unless the President determines any such air operation to be necessary to provide for the safety of U.S. Armed Forces during their withdrawal from Indochina. Rejected 19-64; October 5, 1971.

H.R. 8687. Military Procurement Authorization. Mansfield amendment declaring it to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than six months after the date of enactment subject to the release of all American prisoners of war held by the North Vietnamese Government and its allied forces; urging and requesting the President to implement the above expressed policy by initiating immediately the following actions: (1) establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the North Vietnamese Government and its allied forces at a date not later than six months after enactment; (2) negotiating with the North Vietnamese Government for an immediate ceasefire by all parties to the hostilities in Indochina; (3) negotiating with the North Vietnamese Government for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners concurrently with the withdrawal date established pursuant to the above or an earlier negotiated date. Adopted 57-38: September 30, 1971. The House rejected the provision, 216-192: October 19, 1971.

H.R. 8687. Military Procurement Authorization. Conference report containing Mansfield amendment declaring it to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal at a date certain (rather than not later than six months after the date of enactment) subject to the release of all American prisoners of war held by the North Vietnamese Government and its allied forces and an accounting for all Americans missing in action who have been held by or known to such parties; urging and requesting the President to implement the above expressed policy by initiating immediately the same actions as detailed in the original amendment, with the addition that the establishing of a withdrawal date be contingent not only upon the release of all American prisoners of war but also upon an accounting for all Americans missing in action who have been held by or known to the North Vietnamese Government and its allied forces. Adopted 65-19: November 11, 1971. The House adopted this provision 251-100: November 10, 1971.

H.R. 11731. Defense Appropriations. Boland amendment prohibiting the use of appropriated funds after June 1, 1972 to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos, or Cambodia, in line with Title VI of

the 1971 Military Procurement Act calling for termination of all U.S. military operations in Indochina at the earliest practicable date and for a prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for all Americans missing in action. Rejected 163-238: November 17, 1971.

H.R. 11731. Defense Appropriations. Jacobs amendment prohibiting the use of appropriate funds after November 7, 1972, to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos, or Cambodia, if all American prisoners shall have first been released and all Americans missing in action shall have been accounted for, in line with Title VI of the 1971 Military Procurement Act calling for termination of all U.S. military operations in Indochina at the earliest practicable date and the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for all Americans missing in action. Rejected 52-161: November 17, 1971.

H.R. 9910. Foreign Assistance Act of 1971. Scott amendment striking Cooper-Church provisions, declaring that, in order to bring an end to the involvement of U.S. Armed Forces in the hostilities in Indochina, to secure the safe return of U.S. prisoners of war held by North Vietnam and its allies, and to help bring about a political settlement of the war in Indochina, it is the sense of the Congress that it should be the policy of the United States to provide for the expeditious withdrawal from Indochina of all U.S. Armed Forces; stipulating that on and after the date of enactment funds authorized for use by such forces by this or any other act may be used only for the purpose of withdrawal of all such forces from Indochina and may not be used for the purpose of engaging such forces in hostilities in North or South Vietnam, Cambodia, or Laos, except for actions necessary to protect those forces against imminent danger as they are withdrawn. Accepted 47-44: October 28, 1971.

H.R. 9910. Foreign Assistance Act of 1971. Mansfield provision declaring it to be the policy of the United States to terminate at the earliest practicable date all U.S. military operations in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than six months after the date of enactment subject to the release of all American prisoners of war held by the North Vietnamese Government and its allied forces; urging and requesting the President to implement the above expressed policy by

initiating immediately the following actions: (1) establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the North Vietnamese Government and its allied forces, such date to be not later than six months after the date of enactment; (2) negotiating with the North Vietnamese Government for an immediate ceasefire by all parties to the hostilities in Indochina; (3) negotiating with the North Vietnamese Government for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining U.S. military forces by not later than the date established by the President pursuant to the above or an earlier negotiated date. No direct vote on the floor.

H.R. 9910. Foreign Assistance Act 1971. Gravel amendment lowering the ceiling on all forms of aid to Cambodia to \$150 million. Rejected 26-53: October 29, 1971.

H.R. 9910. Foreign Assistance Act. Senate report adding a new section 512 requiring that, beginning with fiscal year 1973, all military aid to South Vietnam, Laos, and Thailand be funded out of the regular military assistance program as authorized under the amended Foreign Assistance Act of 1961 (instead of continuing the interim procedure of funding military aid to these countries under the Department of Defense budget); adding a new section 513 requiring specific congressional authorization before funds from any U.S. government agency or official can be made available "for the purpose of financing any military operations by foreign forces in Laos, South Vietnam, North Vietnam, Thailand, Cambodia, or Burma outside the borders of the country of the government or person receiving such funds", not to be construed as infringing or restricting military operations and exercises outside Southeast Asia which are required for self-defense purposes or which are pursuant to regional defense arrangement such as NATO or other arrangements such as United Nations peacekeeping operations. Adopted on Voice Vote: October 29, 1971.

H.R. 9910. Foreign Assistance Act 1971. Case amendment deleting South Vietnam, Cambodia, and Burma from the language of section 513 requiring specific congressional approval for all U.S. funds used to finance military operations by foreign (third country) forces in the six

countries of Southeast Asia, leaving the requirements in effect for North Vietnam, Laos, and Thailand. Adopted on Voice Vote: October 29, 1971

H.R. 9910. Foreign Assistance Act 1971. Fulbright amendment leaving committee oversight of military funds for South Vietnam and Laos in the Defense Department budget under the jurisdiction of the Armed Services Committee, but returning oversight of military aid to Thailand to the Senate Foreign Relations Committee and placing such aid in the Foreign Assistance Act, thus amending section 512. Adopted on Voice Vote: October 29, 1971

Note: After Considering the above and other amendments, the Senate in an unexpected move rejected the overall bill, H.R. 9910, on October 29 by a recorded teller vote of 27 yeas, 41 nays, and 27 not voting.

S. 2819. Foreign Military and Related Assistance Authorization for FY 1972. Mansfield provision declaring it to be the policy of the United States to terminate at the earliest practicable date all U.S. military operations in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than six months after the date of enactment subject to the release of all American prisoners of war held by the North Vietnamese Government and its allied forces; urging and requesting the President to implement the above expressed policy by initiating immediately the following actions: (1) establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the North Vietnamese Government and its allied forces, such date to be not later than six months after the date of enactment; (2) negotiating with the North Vietnamese Government for an immediate ceasefire by all parties to the hostilities in Indochina; (3) negotiating with the North Vietnamese Government for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining U.S. military forces by a date not later than the date established by the President pursuant to the above or an earlier negotiated date. Adopted by Senate vote of 65-24 on whole bill. Similar provision in bill passed by the House 130-101, December 16, 1971, but motion to instruct conferees to accept Mansfield language was rejected.

S. 2819. Foreign Military and Related Assistance Authorization for FY 1972. Nelson amendment lowering the ceiling of all forms of aid to Cambodia to \$263.5 million from the \$341 million ceiling approved in section 655 by the Senate Foreign Relations Committee (the \$341 million ceiling was the same as that set by Symington amendment no. 558, adopted as part of the subsequently defeated H.R. 9910.) Rejected 43-46: November 11, 1971

S. 2819. Foreign Military and Related Assistance Authorization for FY 1972. Senate Report adding a new subsection (v) to section 620 of the Foreign Assistance Act stipulating that none of the funds appropriated to carry out the provisions of the act shall be made available to any foreign country which the President determines has failed to actively support the provisions of the 1949 Geneva Convention relative to the treatment of prisoners of war (same as Brock amendment No. 555 adopted as part of H.R. 9910.) Adopted by 65-24 Senate vote on whole bill, November 11, 1971. The House did not consider a similar provision and the Senate receded from this amendment in conference.

S. 2819. Foreign Military and Related Assistance Authorization for FY 1972. Senate Report deleting South Vietnam, Cambodia, and Burma from the language of section 513 requiring specific congressional approval of all U.S. funds to finance military operations by foreign (third country) forces in the six countries of Southeast Asia, leaving the requirement in effect for North Vietnam, Laos, and Thailand (same as the Case compromise amendment adopted as part of H.R. 9910.) Adopted by 65-24 Senate vote on whole bill, November 11, 1971, but dropped in conference.

S. 2819. Foreign Military and Related Assistance Authorization for FY 1972. Senate Report adding a new section 512 requiring that, beginning with fiscal year 1973, all military aid to Thailand shall be funded out of the regular military assistance program as authorized under the amended Foreign Assistance Act of 1961 rather than under the Defense Department budget (same as Fulbright modifying substitute amendment adopted as part of H.R. 9910); new section 513 as reworded in conference provides that after June 30, 1972, no military assistance shall be furnished by the United States to Thailand directly or through any other foreign country unless that assistance is authorized under this act or the Foreign Military Sales Act. Adopted by 65-24 Senate vote on whole bill, November 11, 1971. The House adopted a similar provision 203-179: January 25, 1972

S. 2819. Foreign Military and Related Assistance Authorization for FY 1972. Senate Report adding a new section 656 stipulating that the total number of civilian officers or employees of executive agencies of the U.S. Government who are citizens of the United States and of members of the U.S. Armed Forces (excluding such members while engaged in air operations in or over Cambodia which originate outside Cambodia) present in Cambodia at any one time shall not exceed 200; providing further that the United States shall not at any time pay in whole or in part, directly or indirectly, the compensation of allowances of more than 50 individuals in Cambodia who are citizens of countries other than Cambodia or the United States; latter figure changed in the conference report from 50 to 85. Adopted by Senate vote of 65-24 on whole bill. The House approved the provision in 203 - 179 vote on conference report: January 25, 1971

1970

H.R. 15628. Military Sales Act. Goodell-McGovern-Young-amendment adding the following new section 47: "No part of any amount authorized to be appropriated under this act or any other law shall be used to introduce into or maintain in the territory of Cambodia or the airspace thereof, for any purpose and for any period of time, (1) any military personnel of the United States, or (2) any other persons employed by the United States or hired pursuant to contract with the United States, who perform the functions of military advisors or military instructors." Subject covered in later debates.

H.R. 15628. Military Sales Act. Cooper-Church-Mansfield-Aiken amendment adding the following new section 47 entitled prohibition of assistance to Cambodia: "In order to avoid the involvement of the United States in a wider war in Indochina and expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended for the purpose of: (1) retaining United States ground forces in Cambodia; (2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any person in Cambodia who furnishes military instruction to Cambodian forces or engages in any combat activity in support of Cambodian forces; (3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or persons to engage in any combat activity in support of Cambodian forces; (4) supporting any combat activity in the air above Cambodia by United States air forces except for the interdiction of enemy supplies or personnel using Cambodian territory for attack against or access into South Vietnam." Subject covered in later debates.

H.R. 15628. Military Sales Act. Cooper-Church Provision in Senate Report adding the following new section 47 entitled prohibition of assistance to Cambodia: "In order to avoid the involvement of the United States in a wider war in Indochina and to expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended for the purpose of: (1) retaining United States forces in Cambodia; (2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces; (3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces; or (4) conducting any combat activity in support of Cambodian forces." Filed May 12, 1970.

H.R. 15628. Military Sales Act. Cooper-Church revision adding the following new section 47 entitled prohibition of assistance to Cambodia: "In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended after July 1, 1970 for the purpose of: (1) retaining United States forces in Cambodia; (2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces; (3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia or to provide persons to engage in any combat activity in support of Cambodian forces; or (4) conducting any combat activity in direct support of Cambodian forces; [and further stipulating that] nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander in Chief, including the exercise of that constitutional power which may be necessary to protect the lives of U.S. armed forces whatever deployed; [and] nothing contained in this section shall be deemed to impugn the constitutional powers of the Congress including the power to declare war and to make rules for the government and regulation of the armed forces of the United States." Adopted 58-37, June 30, 1970. The provision was later approved by the House in a 237-153 vote on the whole bill but the House killed a motion to instruct conferees to accept this particular section.

H. R. 17123. Military Procurement Authorization. Reid amendment adding the following new section 403: "In line with the expressed intention of the President of the United States, no part of the funds authorized to be appropriated pursuant to this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia." Rejected 32-321, June 6, 1970.

H. R. 17123. Military Procurement Authorization. Findley amendment adding the following new section 403 in place of the language of the above Reid amendment: "In line with the expressed intention of the President of the United States, none of the funds authorized by this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, to protect the lives of American troops remaining within South Vietnam" [similar to the Dole amendment to H. R. 15628]. Adopted 171-144, June 6, 1970.

H. R. 17123. Military Procurement Authorization. Leggett amendment striking the proviso exception after the word "Congress," thus changing the Findley substitute to read: "In line with the expressed intention of the President of the United States, none of the funds authorized by this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of Congress." Rejected 132-215, June 6, 1970.

H. R. 17123. Military Procurement Authorization. Bingham amendment inserting after the word "Cambodia" in the above Reid amendment the following: "or to finance attacks on the territory of North Vietnam." Rejected 70-232, June 6, 1970.

H. R. 17123. Military Procurement Authorization. Ryan amendment adding the following new section 403: "No funds authorized or appropriated pursuant to the act shall be used to finance the use of American military forces in Cambodia." Rejected on a point of order, June 6, 1970.

H. R. 17123. Military Procurement Authorization. Ryan amendment striking section 401, an open-ended authorization for the funding under this or any other act of the local forces in Laos and Thailand and of South Vietnamese and other free world forces in Vietnam, in effect requiring the Administration to request specific authorization for support of these forces. Rejected on voice vote, June 6, 1970.

H. R. 17123. Military Procurement Authorization. Lowenstein amendment adding the following new section 403: "No part of the funds authorized to be appropriated pursuant to this act shall be used to finance American military operations in Laos, Thailand, or Cambodia." Rejected on a point of order, June 6, 1970.

H. R. 17123. Military Procurement Authorization. McGovern-Hatfield amendment adding a new section: "(1) In accordance with public statements of policy by the President, no funds authorized by this or any other act may be obligated or expended to maintain a troop-level of more than 280,000 armed forces of the United States in Vietnam after April 30, 1971; (2) after April 30, 1971, funds herein authorized or hereafter appropriated may be expended in connection with activities of American armed forces in and over Indochina only to accomplish the following objectives: (a) the orderly termination of military operations there and the safe and systematic withdrawal of remaining armed forces by December 31, 1971; (b) to secure the release of prisoners of war; (c) the provision of asylum for Vietnamese who might be physically endangered by withdrawal of American forces; and (d) to provide assistance to the Republic of Vietnam consistent with the foregoing objectives; providing however, that if the President while giving effect to the foregoing paragraphs of this section, finds in meeting the termination date that members of the American armed forces are exposed to unanticipated clear and present danger, he may suspend the application of paragraph 2(a) for a period not to exceed 60 days and shall inform the Congress forthwith of his findings; and within 10 days following application of the suspension the President may submit recommendations, including [if necessary] a new date applicable to section 2(a) for Congressional approval." Rejected 39-55, September 1, 1970.

H. R. 17123. Military Procurement Authorization. Proxmire-Nelson-Hughes-McGovern-Goodell-Young-Yarborough [revised] amendment incorporating Dominick suggestion that any proposal to end the practice of sending draftees to Indochina include a proviso whereby young men inducted into the armed forces can retain the option of volunteering for such duty, and subsequently changing the use of the term "drafted" to "inducted," thereby adding the following new section: "No funds appropriated pursuant to this or any other act may be expended after the date of enactment of this section for the purpose of sending to South Vietnam, Laos, or Cambodia, any person inducted into the armed forces of the United States under the Military Selective Service Act of 1967, or any subsequent act providing for the conscription of persons into the armed forces, unless funds are specifically authorized to be expended for such purpose by law hereafter enacted; [stipulating, however, that] the preceding sentence shall not apply in the case of any person inducted into the armed forces of the United States under the Military Selective Service Act of 1967, or any subsequent act providing for the conscription of persons into the armed forces, who (1) volunteers for duty in South Vietnam, Laos, or Cambodia, or (2) has voluntarily extended his military service obligation after having been inducted into the armed forces." Rejected 22-71: September 1, 1970

H. R. 19590. Defense Appropriations. Senate Report - amending the House-passed section 838 to include a \$2.5 billion limitation on the amount of funds to be made available for expenditure, and adding the restrictive language of section 502 of the Defense Procurement and Research Authorization Act (P. L. 91-441) which further stipulates that nothing in the above limitation "shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos." Adopted [as part of whole bill] 59-0: December 8, 1970

H. R. 19590. Defense Appropriations. House Report - modifying slightly the language of section 838 in the first conference report to

read: "Provided further, that nothing contained in this section shall be construed to prohibit support of actions required to insure [rather than support of free world or local forces in actions designed to promote] the safe and orderly withdrawal or disengagement of U. S. Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war." Adopted by the Senate 70-2; and by the House 234-18 in second conference report: both on December 29, 1970

H. R. 19590. Defense Appropriations. Senate Report amending the House-passed section 843 to include the sense of the original Cooper-Church amendment to H. R. 15628, except for the prohibition on the introduction of advisors into Cambodia: "In line with the expressed intention of the President of the United States, none of the funds appropriated by this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia." Adopted [as part of whole bill] 89-0, December 8, 1970

H. R. 19590. Defense Appropriations. House Report adopting the compromise reached in the first conference report, thereby amending section 843 to read: "In line with the expressed intention of the President of the United States, none of the funds appropriated by this act shall be used to finance the introduction of American ground combat troops into Laos or Thailand, provided, that nothing in this section shall be construed to prohibit the President from taking action in said areas designed to promote the safe and orderly withdrawal or disengagement of U. S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war." Adopted by the Senate 70-2 and by the House 234-18 in second conference report: both on December 29, 1970

H. R. 19590. Defense Appropriations. Riegle amendment adding the following new section 845: "Notwithstanding any other provision of this act, of the aggregate amount appropriated pursuant to titles I, III, IV, and VI of this act, not more than \$15,000,000,000 shall be available for expenditure for military personnel, operations and maintenance, procurement, defense readiness, or any other purpose in support of United States, South Vietnamese, and other allied armed forces in South Vietnam." Rejected in voice vote: October 8, 1970

H. R. 19590. Defense Appropriations. Fraser amendments adding the following new section 845: "(a) None of the funds appropriated by this act shall be used to finance in any manner whatsoever any combat or support operations by any United States armed force in Vietnam other than those such operations which are necessary to carry out the safe and orderly withdrawal of United States forces and United States prisoners of war from Vietnam; provided that the funds not expended or obligated because of the limitations contained in this section shall not be otherwise expended or obligated; (b) notwithstanding any other provisions of this act, none of the funds appropriated by this act shall be available for expenditure nor shall be obligated for expenditure after June 29, 1971 to finance United States military personnel, other than advisors, in Vietnam, provided, that the funds not expended or obligated because of the limitations contained in this section shall not be otherwise expended or obligated." Rejected 65-23: October 8, 1970

H. R. 19590. Defense Appropriations. Riegle amendment adding the following new section 845: "Notwithstanding any other provision of this act, none of the funds appropriated by this act shall be available to finance United States ground combat forces in Vietnam after June 20, 1971; provided that any funds not expended or obligated because of the limitation in this section shall not otherwise be expended or obligated." Rejected by voice vote: October 8, 1970

H. R. 19911. Supplemental Foreign Aid Authorization 1970. Findley amendment adding the following new section 6: "The military and supporting assistance funds herein authorized for Cambodia shall be used exclusively for purposes the President determines to be essential to the withdrawal of United States military personnel from South Vietnam." Rejected on voice vote: December 9, 1970

H. R. 19911. Supplemental Foreign Aid Authorization 1970. Tunney amendment adding the following new section 6: "Nothing in this act shall be interpreted as authorizing any military assistance to Cambodia other than small arms, ammunition, and communications equipment." Rejected on voice vote: December 9, 1970

VIETNAM LEGISLATION

S. 2956. War Powers. Gravel amendment making the bill's provisions apply to hostilities abroad in which U.S. forces were engaged, including Indochina, as of the date of enactment of the bill, unless Congress not later than 15 days after enactment had declared war against the nation whose forces they were fighting. Rejected 11-74: April 11, 1972

S. 2956. War Powers. Fulbright amendment specifying that the provision exempting ongoing hostilities, including Indochina, from the bill did not give the President any authority to pursue hostilities not conferred by the Constitution or other provision of law. Rejected 28-56: April 11, 1972.

S. 2956. War Powers. Passage of the bill defining the powers of Congress and the President in decisions involving the armed forces of the United States in hostilities. Adopted 68-16: April 13, 1972.

S. 3390. Foreign Military Aid Authorizations. Cannon amendment--as modified by adopted Mansfield amendment--forbidding the use of funds to maintain U.S. forces in South Vietnam after Oct. 1, 1972. Rejected 44-49: July 24, 1972.

S. 3390. Foreign Military Aid Authorizations. Cannon amendment--in the nature of a substitute for Cooper amendment--prohibiting use of funds to maintain U.S. forces in South Vietnam 90 days after enactment, contingent upon an agreement for the release of all Americans held as prisoners of war and an accounting for the men missing in action. Rejected 40-55: July 24, 1972.

S. 3390. Foreign Military Aid Authorizations. Cooper amendment--as modified by adopted Brooke amendment--forbidding use of funds for U.S. participation in the Indochina war except for withdrawal of the remaining troops from South Vietnam, Laos and Cambodia four months after enactment, contingent only on the release of all American prisoners of war. Adopted 50-45: July 24, 1972.

S. 3390. Foreign Military Aid Authorizations. Church motion to table, and thus kill, Brooke motion to reconsider the vote by which the Stennis amendment was rejected. Adopted 49-46: July 24, 1972.

S. 3390. Foreign Military Aid Authorizations. Hartke amendment prohibiting all military and economic assistance to Thailand except for funds to aid in the control of the international narcotics traffic, unless the President determined that the Thai government had taken adequate steps to control international traffic in narcotics. Rejected 22-68: July 24, 1972.

H. R. 19911. Supplemental Foreign Aid Authorization 1970. Cooper-Church-Javits-Case-Mansfield Provision in Senate Report adding the following new section 7: "(a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other act may be used to finance the introduction of United States ground troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia; (b) military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other act shall not be construed as a commitment by the United States to Cambodia and authorized or appropriated pursuant to this or any other act shall not be construed as a commitment by the United States to Cambodia for its defense." Adopted [as part of whole bill] 72-22, December 16, 1970. Adopted in conference report by the House on a voice vote December 22, 1970.

H. R. 19911. Supplemental Foreign Aid Authorization 1970. Williams amendment amending the language of section 7 as contained in the above committee amendment [Cooper-Church] to read: "In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other act may be used to finance the introduction of United States ground combat troops into Cambodia or Israel or to provide United States advisors to or for Cambodian or Israeli military forces in Cambodia or Israel." Adopted Church tabling motion [in effect, rejected] on December 15, 1970.

H. R. 19911. Supplemental Foreign Aid Authorization 1970. Gravel amendment deleting from section 2: "(1) \$85,000,000 for additional military assistance and \$70,000,000 for special economic assistance for Cambodia." Rejected 33-61, December 16, 1970.

1969

H. R. 11400. Second Supplemental Appropriations 1969. Ryan amendment striking out Title I, "Military Operations in Southeast Asia," which would appropriate \$1.2 billion in supplemental funds for the conduct of the war in Vietnam, including military personnel of all the armed services, operation and maintenance, and equipment. Rejected 25-140, May 21, 1969.

H. R. 11400. Second Supplemental Appropriations 1969. Eckhardt amendment revising the Ryan amendment to delete only that portion of Title I which would appropriate \$640.1 million in procurement funds for the obtaining of further military material to conduct the war in Vietnam. Rejected 23-134, May 21, 1969.

S. 2546. Military Procurement Authorization. Fulbright amendment adding to the above the following stipulation: "Not to exceed \$3 billion of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other act are authorized to be made available for their stated purposes to support..." Adopted on voice vote [as modified by Stennis], August 12, 1969.

H. 14000. Military Procurement Authorization. Mikva amendment adding to the proposed change to section 407: "In addition, whenever the total number of persons serving on active duty in Vietnam is reduced on or after December 31, 1969, this limitation [on active duty strength of Armed Forces personnel] of 3,285,000 shall within 180 days thereafter be reduced by a like number [and further stipulating that] nothing in this section shall be construed as requiring the reduction of the permanent active duty personnel strength of any component of the Armed Forces below the level for such component prescribed by law." Rejected 38-85, October 3, 1969.

H. R. 15090. Defense Appropriations. Cooper-Mansfield amendment adding the following new section 643 to conform with the Cooper qualification on the nature of support to local forces as passed by the Senate when considering the Military Procurement Authorization [amending section 401 of S. 2546] but subsequently deleted in conference: "None of the funds appropriated by this act shall be used for the support of local forces in Laos or Thailand except to provide supplies, material, equipment, and facilities, including maintenance thereof, or to provide training for such local forces." Adopted 80-9 as modified by the revised Church substitute, December 15, 1969.