

—

r

3  
|

A

DECLASSIFIED

3a

~~TOP SECRET~~

D R A F T

6/10/64

MEMORANDUM FOR DISCUSSION, JUNE 10, 5:30 P. M.

SUBJECT: Alternative public positions for U. S. on Southeast Asia  
for the period July 1 - November 15

It is agreed that the U. S. will wish to make its position on Southeast Asia as clear and strong as possible in the next five months. The immediate watershed decision is whether or not the Administration should seek a Congressional resolution giving general authority for action which the President may judge necessary to defend the peace and security of the area. It is agreed that if such a resolution is sought, it should be general in tone. It is also agreed that the best available time for such a move is immediately after the Civil Rights bill clears the Senate floor. Finally, it is agreed that no such resolution should be sought unless careful Congressional soundings indicate rapid passage by a very substantial majority. The question that remains is whether on these assumptions such a resolution is or is not desirable, and the argument which follows is designed to explore the consequences of having and not having such a resolution.

A. Scenario for a Congressional resolution

The first necessity, if we are to have a resolution, is to prepare the case in favor. This requires that the Administration be ready to give answers to a whole series of disagreeable questions. Some of the more significant questions and possible answers follow:

1. Q. Does this resolution imply a blank check for the President to go to war over Southeast Asia?

A. The resolution will indeed permit selective use of force, but hostilities on a larger scale are not envisaged, and in any case any large escalation would require a call-up of Reserves and thus a further appeal to the Congress. More broadly there is no intent to usurp the powers of the Congress, but rather a need for confirmation of the powers of the President as Commander in Chief in an election year. The basic precedents are the Formosa Resolution, the Middle East Resolution, and, in a sense, the Vandenberg Resolution.

2. Q. What kinds of force, if any, are possible under this authorization?

A. No force will be used if the President can avoid it. If the continued aggression of others should require a limited response,

DECLASSIFIED

DECLASSIFIED

~~TOP SECRET~~

Authority State Dir. 2/21/78

By LW per mg NARS, Date 9/23/83

PRESERVATION COPY

2. A. (cont'd)

that response will be carefully aimed at installations and activities which directly support covert aggression against the free people of Laos and South Vietnam. There is no intent or desire to enlarge the action beyond what is absolutely required, and specifically, there is no intent to overthrow existing governments in North Vietnam or in Red China, however much we dislike those regimes.

3. Q. What change in the situation requires such a resolution now?

A.1 This answer should include a candid account of the existing situation and hazard and the growing dangers both in Laos and in South Vietnam.

A.2. This part of the answer should refer to the need for international awareness that the U. S. is not immobilized by a political campaign.

4. Q. Isn't the situation in Southeast Asia one which really requires action (a) by the people on the spot, or (b) by allies, or (c) by the U. S. through other than military means?

A. All of these other kinds of action are needed, and all will be sought to the limit of U. S. ability. Specifically:

(a) The resolution is designed to give encouragement to those on the spot in their own effort at self-help.

(b) We will seek as much help as possible from allies, but in realistic terms we must recognize that our most reliable friends have their own commitments on other fronts.

(c) The political, economic, and social efforts of the U. S. in Southeast Asia, in support of the free governments there, are being intensified to the limit of our wit and resources.

5. Q. Does Southeast Asia matter all that much?

A. Yes -- because of the rights of the people there, because of our own commitment, because of the far-reaching effect of a failure, and because we can win if we stay with it.

6/10/64

A strong campaign in defense of this resolution will require a substantial increase in the commitment of U. S. prestige and power to success in Southeast Asia. The resolution would need to be preceded by a Presidential message. Such a message should not come as a bolt from the blue; it should itself be preceded by a clear indication of the increasing firmness of the Administration's position, and the reasons for that firmness. Such indications could be given only by public statements of high officials or by such devices as a White Paper.

In sum, a Congressional resolution would require a major public campaign by the Administration. A very important element in such a campaign would be early and outspoken support by leading members of Congress.

This is not a small undertaking, and it would have heavy implications.

The great advantages of an early Congressional resolution are international. It would give additional freedom to the Administration in choosing courses of action; still more important, it would give a signal of this new freedom of action and firmness of purpose in a number of important capitals, the most important of which are in Southeast Asia, on both sides of the line.



## B. Without a Congressional Resolution

If we do not seek a Congressional Resolution, the international disadvantages are obvious, in that we may seem to have a relative lack of freedom of action and will not have built the major new base of commitment and of authority which in the best of cases such a resolution, with its attendant debate, might provide. On the other hand, if we do not have a resolution, we do not have the risks of a contest at home, nor do we pin ourselves to a level of concern and public notice which might be embarrassing if in fact we do not find it wise to take drastic action in the months immediately ahead. Thus we need to consider how much our course of action may be limited if we do not seek a Congressional Resolution.

First, it should be recognized that there are alternative forms of bipartisan support for action: consultation with Eisenhower and the Republican candidate; discussion with bipartisan leadership of Congress; direct Presidential appeal to the people; ample, if not always encouraging, precedent for Presidential action, as in Korea.

Second, there is a wide range of actions which are plainly permissible without a resolution. These include direct military action by South Vietnamese forces, and very substantial deployments of U. S. air, sea and ground forces. Within the framework of SEATO, and in defense of the agreements of 1962, we can plausibly move troops even into Vietnam, Thailand and Laos itself if the appropriate governments request it. Short of direct U. S. military action against North Vietnam, we could almost surely maintain adequate freedom of action even without a Congressional Resolution.

Third, the only time we can get a resolution, in the absence of acute emergency, is within the next three weeks. A strong case can be made that we do not now need to commit ourselves so heavily, and that if the situation changes drastically, we could readily respond by emergency session, certainly in November, and conceivably in September too.

On balance, it appears that we need a Congressional Resolution if and only if we decide that a substantial increase of national attention and international tension is a necessary part of the defense of Southeast Asia in the coming summer.

36

**B**

3c  
Aug 4

**AGENDA FOR MEETING WITH THE  
CONGRESSIONAL LEADERS**

August 4, 1964

1. Report on Maddox action by the Secretary of Defense.
2. Political situation report by the Secretary of State, to include both meaning of the present situation and diplomatic steps being taken.
3. Immediate military plan of action - Secretary of Defense
4. Discussion led by the President aimed toward the question of Congressional resolution -- text to be presented and explained by the Secretary of State.
5. Discussion of what leadership will say about this meeting.

mcq

**Congressional delegation at August 4 Meeting with President**

**Speaker McCormack  
Senator Mansfield  
Senator Humphrey  
Senator Fulbright  
Senator Russell  
Senator Dirksen  
Senator Kuchel  
Senator Hickenlooper  
Senator Saltonstall  
Senator Aiken  
Congressman Albert  
Congressman Vinson  
Congressman Thomas Morgan  
Congressman Halleck  
Congressman Arends  
Congressman Bolton**



3d

22

~~SECRET~~

12:15 AM  
August 4, 1964

3e

Situation Summary - DeSoto Patrol  
USS Maddox and USS Turner Joy (TU 72.1.2)

DTG/ EDT

- 041240Z/8:40 A. M. 1. Imminent attack by P-4 craft reported by DeSoto patrol. Ships proceeding southeast at best speed.
- 041326Z/9:26 A. M. 1. Ticonderoga launched 2 F-8 fighter aircraft and 4 A-4D attack aircraft. Four additional attack aircraft to be launched in 15 minutes.
- 041336Z/9:36 A. M. 1. Task unit commander (in Maddox) reported two surface craft and three aircraft in area.
- 041408Z/10:08 A. M. 1. Unfriendly aircraft reported by JCS to have disappeared. Unfriendly ships not closing -- maintaining distance of 27 miles.
- 041434Z/10:34 A. M. 1. Two original craft opened to 40 miles.  
2. Three new unfriendly ships closed to 11 miles at 40 knots.  
3. U. S. aircraft overhead Desoto Patrol and under Desoto Control.  
4. Photos taken.
- 041442Z/10:42 A. M. 1. USS Turner Joy and USS Maddox reported they were under attack and commenced return fire at 04140Z/10:40 A. M.
- 041452Z/10:52 A. M. 1. Desoto Patrol under continuous torpedo attack.
- 041515Z/11:15 A. M. 1. Maddox reported avoiding at least six torpedoes and under attack by three P-4's.  
2. No friendly combat air Patrol (aircraft support) expected for 15 minutes. (Original CAP A/C probably returned to Ticonderoga due low-fuel state.)  
3. USS Turner Joy appears to have sunk one P-4.

120

DECLASSIFIED

Authority

OSD ltr. 2-15-77

By Wpung NARS, Date 9-23-83

~~SECRET~~

THE WHITE HOUSE  
WASHINGTON

37

August 7, 1964

MEMORANDUM FOR

MR. GEORGE REEDY

Subject: A brief chronology of events - August 3-7

By Monday morning, when I returned to Washington, the President had already issued instructions -- on Sunday -- along the line of the announcement which he read Monday morning. On Monday morning he decided to make this order public. On Monday <sup>afternoon</sup> there was a private meeting with Secretaries Rusk and McNamara and General Wheeler, and it was agreed that no further immediate action was needed. On Tuesday (mid-morning) the President was informed by Secretary McNamara of the first reports of the second attack on the Maddox and C. Turner Joy. He was kept fully and promptly informed from that point forward on all action reports. Secretary McNamara gave a brief description of the existing situation at the scheduled NSC meeting at noon, and the matter was then discussed in detail at lunch by the President with the two Secretaries, Mr. McCone, Mr. Vance and myself. All of us except the President had earlier engaged in a detailed discussion of the choices of reply at the Pentagon, where the necessary military information was most readily available. This meeting at the Pentagon preceded the NSC meeting.

During the luncheon meeting with the President the entire situation was reviewed and a consensus was swiftly reached on the course of action on which the President decided. This discussion lasted for about two hours and was marked by thoroughness, clarity, and an absence of significant disagreement. The members of the meeting separated then for the purpose of preparing the necessary orders. The President ordered the scheduling of a full NSC meeting for 6:15 to review his decision, and a meeting of the Leadership at 6:45 so that he might inform them. At the 6:15 meeting it was clear that all members of the NSC were in accord with the President's decision, and in the meeting of the Leadership a similar consensus readily developed.

Meanwhile in the State Department and in the Defense Department all the necessary orders and cables were put swiftly in motion on a coordinated basis. The nature of the military orders has since been made clear by Secretary McNamara's press conferences. The diplomatic track included a number of personal messages from the President, immediate

plans for a meeting of the NAC, SEATO and the Security Council (UN), and arrangements for the initial drafting of a Congressional Resolution.

The first draft of the Congressional Resolution was discussed with the Leadership, and in the light of their comments redrafts continued in the evening, and at a breakfast meeting in the Department of State the Secretary and his associates hammered out a short, basic, agreed version with the bipartisan leaders. This version was reviewed by the President and approved by him immediately upon his return from Syracuse. He had already directed the preparation of an accompanying message which he approved at this same meeting and which went promptly to the Congress that afternoon. Meanwhile at the White House the President's statement to the people was prepared under his immediate direction, and the President, in addition to his other meetings, communicated with Senator Goldwater.

The timing of the President's address to the nation was complex. The address must be so timed as not to give any battle advantage to the North Vietnamese but at the same time must precede any announcement of the operation from the other side. The time which was eventually agreed met this requirement and at 11:40 the President made his statement to the nation.

The President also decided in the course of Tuesday evening that the speech at Syracuse should be related to this set of events, and he issued instructions and guidelines for the preparation of the speech which he delivered on Wednesday morning. On Wednesday the President was briefed by Bundy ~~and Clifton~~ <sup>by Clifton on the plane.</sup> before he departed for Syracuse. On his return he reviewed and approved the Congressional Resolution and the message to accompany it, as previously stated. In the course of the afternoon he received repeated telephone reports on the situation and through the evening he kept close watch on events. On Thursday and on Friday the President continued to receive full diplomatic and intelligence reports. ↑ The American people were kept continuously informed by the appropriate officers of the State and Defense Departments. The Congressional hearings on the Resolution proceeded, and the Resolution was voted Friday noon. The President then issued his statement hailing this event.

Thursday  
was also  
a Thank  
Day.

In this same period the President personally directed and wound up with the necessary votes to pass his Poverty bill in the House of Representatives. He also kept a close eye upon the work of Under Secretary



- 3 -

Ball on the crisis in Cyprus, and <sup>of</sup> with Governor Harriman on the Congo, and while these situations are both still very tense and full of danger, they have at no time been beyond the range of attention of the President and Commander in Chief.

McG. B.

3-8

D

AUGUST 4, 1964

3h

## OFFICE OF THE WHITE HOUSE PRESS SECRETARY

## THE WHITE HOUSE

STATEMENT BY THE PRESIDENT  
THE FISH ROOM

(AS ACTUALLY DELIVERED)

My fellow Americans:

As President and Commander-in-Chief, it is my duty to the American people to report that renewed hostile actions against United States ships on the high seas in the Gulf of Tonkin have today required me to order the military forces of the United States to take action in reply.

The initial attack on the destroyer Maddox, on August 2, was repeated today by a number of hostile vessels attacking two U.S. destroyers with torpedoes. The destroyers and supporting aircraft acted at once on the orders I gave after the initial act of aggression. We believe at least two of the attacking boats were sunk. There were no U.S. losses.

The performance of commanders and crews in this engagement is in the highest tradition of the United States Navy. But repeated acts of violence against the armed forces of the United States must be met not only with alert defense, but with positive reply. That reply is being given as I speak to you tonight. Air action is now in execution against gun boats and certain supporting facilities in North Vietnam which have been used in these hostile operations.

In the larger sense, this new act of aggression, aimed directly at our own forces, again brings home to all of us in the United States the importance of the struggle for peace and security in Southeast Asia. Aggression by terror against the peaceful villagers of South Vietnam has now been joined by open aggression on the high seas against the United States of America.

The determination of all Americans to carry out our full commitment to the people and to the government of South Vietnam will be redoubled by this outrage. Yet our response, for the present, will be limited and fitting. We Americans know, although others appear to forget, the risks of spreading conflict. We still seek no wider war.

I have instructed the Secretary of State to make this position totally clear to friends and to adversaries and, indeed, to all. I have instructed Ambassador Stevenson to raise this matter immediately and urgently before the Security Council of the United Nations. Finally, I have today met with the leaders of both parties in the Congress of the United States and I have informed them that I shall immediately request the Congress to pass a resolution making it clear

MORE

( OVER )

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

that our Government is united in its determination to take all necessary measures in support of freedom and in defense of peace in Southeast Asia.

I have been given encouraging assurance by these leaders of both parties that such a resolution will be promptly introduced, freely and expeditiously debated, and passed with overwhelming support. And just a few minutes ago I was able to reach Senator Goldwater and I am glad to say that he has expressed his support of the statement that I am making to you tonight.

It is a solemn responsibility to have to order even limited military action by forces whose overall strength is as vast and as awesome as those of the United States of America, but it is my considered conviction, shared throughout your Government, that firmness in the right is indispensable today for peace; that firmness will always be measured. Its mission is peace.

END

The performance of commanders and crews in this engagement is in the highest tradition of the United States Navy. But repeated acts of violence against the armed forces of the United States must be met not only with alert defense, but with positive reply. That reply is being given as I speak to you tonight. Air action is now in execution against gun boats and certain supporting facilities in North Vietnam which have been used in these hostile operations.

In the larger sense, this new act of aggression, aimed directly at our own forces, again brings home to all of us in the United States the importance of the struggle for peace and security in Southeast Asia. Aggression by terror against the peaceful villagers of South Vietnam has now been joined by open aggression on the high seas against the United States of America.

The determination of all Americans to carry out our full commitment to the people and to the government of South Vietnam will be redoubled by this outrage. Yet our response, for the present, will be limited and fitting. We Americans know, although others appear to forget, the risks of spreading conflict. We still seek no wider war.

I have instructed the Secretary of State to make this position totally clear to friends and to adversaries and, indeed, to all. I have instructed Ambassador Stevenson to raise this matter immediately and urgently before the Security Council of the United Nations. Finally, I have today met with the leaders of both parties in the Congress of the United States and I have informed them that I shall immediately request the Congress to pass a resolution making it clear

(over)

MORE



3-i

E

46. PRESIDENT'S MESSAGE TO CONGRESS,  
AUGUST 5, 1964<sup>1</sup>

*To the Congress of the United States:*

Last night I announced to the American people that the North Vietnamese regime had conducted further deliberate attacks against U.S. naval vessels operating in international waters, and that I had therefore directed air action against gunboats and supporting facilities used in these hostile operations. This air action has now been carried out with substantial damage to the boats and facilities. Two U.S. aircraft were lost in the action.

After consultation with the leaders of both parties in the Congress, I further announced a decision to ask the Congress for a resolution expressing the unity and determination of the United States in supporting freedom and in protecting peace in southeast Asia.

These latest actions of the North Vietnamese regime have given a new and grave turn to the already serious situation in southeast Asia. Our commitments in that area are well known to the Congress. They

<sup>1</sup> Department of State Bulletin, Aug. 24, 1964, pp. 261-263.

were first made in 1954 by President Eisenhower. They were further defined in the Southeast Asia Collective Defense Treaty approved by the Senate in February 1955.

This treaty with its accompanying protocol obligates the United States and other members to act in accordance with their constitutional processes to meet Communist aggression against any of the parties or protocol states.

Our policy in southeast Asia has been consistent and unchanged since 1954. I summarized it on June 2 in four simple propositions:

1. *America keeps her word.* Here as elsewhere, we must and shall honor our commitments.

2. *The issue is the future of southeast Asia as a whole.* A threat to any nation in that region is a threat to all, and a threat to us.

3. *Our purpose is peace.* We have no military, political, or territorial ambitions in the area.

4. *This is not just a jungle war, but a struggle for freedom on every front of human activity.* Our military and economic assistance to South Vietnam and Laos in particular has the purpose of helping these countries to repel aggression and strengthen their independence.

The threat to the free nations of southeast Asia has long been clear. The North Vietnamese regime has constantly sought to take over South Vietnam and Laos. This Communist regime has violated the Geneva accords for Vietnam. It has systematically conducted a campaign of subversion, which includes the direction, training, and supply of personnel and arms for the conduct of guerrilla warfare in South Vietnamese territory. In Laos, the North Vietnamese regime has maintained military forces, used Laotian territory for infiltration into South Vietnam, and most recently carried out combat operations—all in direct violation of the Geneva agreements of 1962.

In recent months, the actions of the North Vietnamese regime have become steadily more threatening. In May, following new acts of Communist aggression in Laos, the United States undertook reconnaissance flights over Laotian territory, at the request of the Government of Laos. These flights had the essential mission of determining the situation in territory where Communist forces were preventing inspection by the International Control Commission. When the Communists attacked these aircraft, I responded by furnishing escort fighters with instructions to fire when fired upon. Thus, these latest North Vietnamese attacks on our naval vessels are not the first direct attack on armed forces of the United States.

As President of the United States I have concluded that I should now ask the Congress on its part, to join in affirming the national determination that all such attacks will be met, and that the United States will continue in its basic policy of assisting the free nations of the area to defend their freedom.

As I have repeatedly made clear, the United States intends no rashness, and seeks no wider war. We must make it clear to all that the United States is united in its determination to bring about the end of Communist subversion and aggression in the area. We seek the full and effective restoration of the international agreements signed in Geneva in 1954, with respect to South Vietnam, and again in Geneva in 1962, with respect to Laos.

3j

3k

F

3L

G



~~Please return to  
Ms. Bundy (3)~~

Statement of Secretary of State Dean Rusk before  
the Committee on Foreign Affairs,  
House of Representatives

Return  
EA/UN  
3. m

August 6, 1964

Chairman Morgan and members of the Committee:

I appear before you in support of the Joint Congressional Resolution on Southeast Asia now before your Committee. If the Committee is agreeable, I shall proceed by explaining the purpose of the Resolution. Secretary McNamara will then describe to you the recent attacks on our naval vessels and the US response thereto. I would then propose to conclude by going over the text of the Resolution itself and discussing its meaning and scope.

The immediate occasion for this Resolution is of course the North Vietnamese attacks on our naval vessels, operating in international waters in the Gulf of Tonkin, on August 2nd and August 4th.

However, it is obvious that these attacks were not an isolated event but are related directly to the aggressive posture of North Vietnam and to the policy that the United States has been pursuing in assisting

the free nations of Southeast Asia and particularly South Vietnam and Laos, to defend themselves against Communist aggression, and thus to preserve the peace of the area.

When Indochina was divided and the independent states of South Vietnam, Laos, and Cambodia were created under the conditions of the Geneva Accords of 1954, <sup>in the face of the North Vietnamese threat</sup> it was at once clear that South Vietnam and Laos could not ~~survive~~ maintain their independence without outside assistance. The Government of South Vietnam turned to the United States for such assistance, and President Eisenhower in December 1954 made the decision that it should be furnished, stating that our purpose was to "assist the Government of Vietnam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means."

In the fall of 1954, Secretary Dulles negotiated, and the Senate in early 1955 consented to, the Southeast Asia Collective Defense Treaty, sometimes known as the Manila Pact. This treaty provided for the collective defense of the parties to this treaty -- Thailand, the Philippines, Australia, New Zealand, Pakistan, the United States, the United Kingdom, and France. It provided further that the protection of the treaty should extend, under an annexed protocol, to the territory of South Vietnam and to Laos and Cambodia.

I do not need to review for you the subsequent history of North Vietnamese efforts to subvert and conquer South Vietnam and to do the same in Laos. Having found that South Vietnam would not collapse<sup>of</sup> itself but was on the contrary making a remarkable progress, Hanoi in 1959 initiated a systematic campaign of terror and subversion in South Vietnam, directed and supplied with key personnel and equipment from the north. By 1961, the situation had reached a critical point and the United States greatly increased its advisory and supporting assistance to the Government of South Vietnam.

Despite this assistance, the task of countering the extensive Viet Cong effort remains a long and arduous one, and as you know we have moved within the last two weeks to further increase our support while recognizing always that the struggle in South Vietnam must essentially be the responsibility of the South Vietnamese themselves.

In Laos, the agreements reached at Geneva in 1962 have been consistently violated by Hanoi and in May of this year the situation took on a more critical character when a Communist military offensive drove neutralist forces from the area of the Plain of Jars they had held in 1962. Our response to these events, the provision of additional T-28's to the Government of Laos and the carrying out of reconnaissance flights, with the incidents resulting therefrom, are well known to you.

The present attacks, then, are no isolated event. They are part and parcel of a continuing Communist drive to conquer South Vietnam, control or conquer Laos, and thus weaken and eventually dominate and conquer other free nations of Southeast Asia. One does not need to spell out a "domino theory;" it is enough to recognize the true nature of <sup>the</sup> Communist doctrine of world revolution and the militant support that Hanoi and Peiping are giving to that doctrine in Southeast Asia.



S Policy and Objectives

Although the United States did not itself sign the Geneva Accords of 1954, Under Secretary Walter Bedell Smith made a formal statement that the United States:

"would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security."

We have repeatedly made clear that the independence and security provided for South Vietnam under those Accords was a satisfactory status for South Vietnam. All that is needed, as I have myself often said, is for Hanoi and Peiping to leave their neighbors alone.

The same is true with respect to the 1962 Accords for Laos. These provided a reasonable arrangement for the status of Laos, and what is needed, again, is simply that the Communist side should honor the commitments it undertook.

Above all, there can be no doubt of United States objectives for these nations and for the area as a whole. Here, as elsewhere, we believe that nations are entitled to remain free and to develop as they see fit. The United States has no military, territorial, or political ambitions for itself in Southeast Asia. We seek only the restoration of peace and the removal of Communist subversion and aggression.

Essentially, the outcome of this conflict, and the course of events in the area as a whole, is up to the Communist side. It has the option of accepting the freedom and independence of neighboring nations, or



of continuing its aggressive tactics. For our part, as President Johnson stated on June 23: "The United States intends no rashness, and seeks no wider war. But the United States is determined to use its strength to help those who are defending themselves against terror and aggression. We are a people of peace--but not of weakness or timidity."

Purpose of the Resolution

This, then, is the background of the Resolution before you. We have never doubted the support of the American people for the policies that have been followed through three administrations over a period of a decade. But in the face of the heightened aggression on the Communist side, exemplified by these latest North Vietnamese attacks, it has seemed clearly wise to seek in the most emphatic form a declaration of Congressional support both for the defense of our armed forces against similar attacks and for the carrying forward of whatever steps may become necessary to assist the free nations covered by the Southeast Asia Treaty.

We cannot tell what steps may in the future be required to meet Communist aggression in Southeast Asia. The unity and determination of the American people, through their Congress, should be declared in terms so firm that they cannot possibly be mistaken by other nations.

The world has learned over 50 years of history that aggression is invited if there is doubt about the response. Let us leave today's aggressors in no doubt whatever.

\* \* \* \* \*

I now turn to Secretary McNamara, who will describe the recent attacks and our response.

(Continuation of Statement of Secretary Rusk - August 6, 1964)

I now turn to the specifics of the Resolution before you.

The preamble, I believe, speaks for itself. It spells out in the simplest and shortest terms possible the fact of North Vietnamese attacks, their relation to the over-all campaign of aggression by North Vietnam, and the purposes and objectives of the United States in Southeast Asia.

As to the operative sections of the Resolution, Section 1 declares the approval and support of the Congress for actions, in response to armed attack on United States forces, which the President has the authority and obligation to take in his capacity as Commander-in-Chief.

Turning next to Section 2 of the draft Resolution, let me make clear at the outset what the Resolution does not embrace. It does not cover action to assist any nation not a member of the Southeast Asia Treaty Organization or a protocol state. It does not cover any action in support of a nation unless such nation requests it. It does not cover any action to resist aggression that is not Communist in origin. The Southeast Asia Treaty includes a United States understanding that is directed solely against "Communist aggression."

The language, "to take all necessary steps, including the use of armed force", is similar to the authority embraced in the Formosa Resolution of 1955, the Middle East Resolution of 1957, and the Cuba Resolution of 1962. Copies of each of these have been made available to you for comparative purposes. The Formosa Resolution authorized the President "to employ the armed forces of the United States". The Middle East Resolution stated that the United States was "prepared to use armed forces." The nearest parallel to the language of the present Resolution is in the first clause of the Cuba Resolution, that the United States is "determined . . . to prevent by whatever means may be necessary, including the use of arms" Cuban subversive activities extending to any part of the hemisphere.

I shall not take your time this morning to review the constitutional aspects of resolutions of this character. I believe it to be the generally accepted constitutional view that the President has the constitutional authority to take at least limited armed action in defense of American national interests; in at least <sup>85</sup>~~125~~ instances, Presidents of the United States have in fact taken such action. As I have said before, we cannot now be sure what actions may be required. The Formosa Resolution of 1955 was followed by the use of United States warships to escort supply convoys to the offshore islands in 1958; the Middle East Resolution

was followed by President Eisenhower's sending of troops to Lebanon in 1958; the Cuba Resolution was followed by the well-known events of October 1962. I do not suggest that any of these actions may serve as a parallel for what may be required in Southeast Asia. There can be no doubt, however, that these previous resolutions form a solid legal precedent for the action now proposed. Such action is required to make the purposes of the United States clear and to protect our national interests.



3 n

H

Summary - Debate on Tonkin Gulf Resolution - 1964

The Senate and House took up identical resolutions approving and supporting "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 resolution was debated in the Senate on August 6 and 7 and was passed by a vote of 88 to 2. Only Senators Morse and Gruening spoke and voted in opposition to the Joint Resolution (H.J. Res. 1145).

The basis of Senator Morse's opposition was that "the pending resolution tinkers with and impairs the great, procedural rights of the American people written in article 1, section 8 of the Constitution - namely, that the power and right to declare war is vested in the Congress and not in the President of the United States." He stated that the language in this resolution - as the language in the 1955 resolution - authorized not a defense to actual attack but also aggressive action, a "preventive war." (Cong. Record, p. 18444)

Senator Gruening based his opposition on the ground that the joint resolution "presents an unlimited authorization for war anywhere in southeast Asia, including Pakistan . . ." (Cong. Record, p. 18447)

Senator Fulbright stated "I do not believe that there is any probability of their going off and involving us where we do not wish to be involved. I believe we can maintain complete control over our own commitments." (Cong. Record, p. 18457) \* \* \* \* \* "I should like to make two statements which I believe are appropriate. First, both the present administration and the previous administration have been very good about reporting to us and briefing us about the situation. I do not believe there has been any tendency to withhold anything. I do not believe that at any time when representatives of the administration came to brief us and we requested information they have refused to divulge it. In many cases

they

they themselves have initiated such a request as far as the information goes.

"Second, the more important point in this case, I believe, is the fact that the administration went to great lengths to find the best equipped and qualified men to send to Vietnam. I personally felt great satisfaction in the selection of U. Alexis Johnson to be our civilian representative. He is one of the most experienced men we have. I know of no one who does not have a high regard for General Taylor. After all, on these difficult subjects there is no way of enacting a law or promulgating a rule which would be self-executing. We must rely to a great extent upon the wisdom, judgment, and experience of those actually in charge. I believe that is the most reassuring aspect of the question. The Government has sent two of the best men available into this very critical area. \* \* \* \* \*

"I do not wish to mislead anyone. As the Senator knows, any role is one of an advisory nature. Information is submitted to the committee. The administration has never held anything back, to my knowledge. It has been frank. We have an opportunity to advise them, and that is all. We cannot direct or force them. Even within the committee, as the Senator knows, there are some sharp differences of opinion. So all we can do is to advise with them, which we have done.

"On questions of importance, the administration has consulted, in addition to the committee or the senior members of the committee, and the leadership of both Houses. We have the further assurance of the majority leader, the minority leader, the whips, and senior members of the committees of both Houses."  
(Cong. Record, p. 18458)

Senator Dirksen stated "I attended the briefing at the White House. It lasted for almost an hour and a half. The whole case was laid on the table by the President, by the Director of the Central Intelligence

Agency



Agency, by the Secretary of Defense, and by the Secretary of State. Thereafter, there was no limit on the amount of discussion or on the questions that any member of the joint leadership from both the House and Senate might have wished to propound, whether they were addressed to the Secretaries or to the President.

"When the meeting was over, we discussed the content of a resolution, with the understanding that the resolution could be modified and simplified, if that were necessary or deemed desirable. That was the whole story.

"Before we left the Cabinet room, the President asked every Member who was present whether he would give support to the resolution. Every Member responded. I am rather proud of the fact that every Republican who responded said that, speaking for himself and, hopefully, for the party, he would support the President in his determination to meet the crisis now before us in the South Pacific. \* \* \* \* \*

"The President could have taken this action in his own right as the Commander in Chief. He does not have to ask Congress about the deployment of troops, submarines, bombers, and fighter planes.

"What is involved is a demonstration that the executive and legislative branches of the Government stand together in an hour of need and threat, and when there is peril in a section of the world that could easily jeopardize the entire free world.

"I wished to make clear how the minority stands, and how it stood in that briefing session, and also when this subject was before the various committees of the Senate and House." (Cong. Record, p. 18462)

To the above statement Senator Fulbright replied:

"I wish

"I wish to affirm what the distinguished minority leader has said. I was present at the briefings. There was not the slightest indication of any kind of partisanship in any sense. Back through the years, when similar resolutions have been under consideration, this has also been true. It was true when there was a Republican administration.

"I cannot resist paying a compliment to the distinguished Senator from Illinois (Mr. Dirksen). While on certain matters he is a great partisan leader, nevertheless, on all matters affecting the security of this country, matters which are comparable to this kind of situation. I have never seen him be partisan, either on the floor or off the floor of the Senate. He always rises above partisanship in dealing with problems that directly involve our security and reserves his partisanship, as all of us do, for less profound subjects than those which threaten the security of our country. This is, of course, normal and demonstrates the distinction between foreign relations and domestic relations. \* \* \* \* \*

"Now I wish to say a word or two about the House joint resolution. It passed the House by a vote of 414 to 0. I do not believe that in a democracy unanimity is always necessary. Certainly, it is not necessary when we are dealing with matters of substance involving domestic legislation, or even legislation dealing with foreign relations. However, in the expression of an advisory opinion of broad policy, which this resolution is, it is a happy and fortunate circumstance if there can be a high degree of unanimity. So I am much pleased by the House action. I hope the Senate will approach that unanimity, if possible." (Cong. Record, p. 18462)



Additional remarks by Senator Fulbright are as follows: \* \* \* \* \* 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. (Cong. Record, p. 17825)

"\* \* \* \* \* 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." (Cong. Record, p. 17823)

"\* \* \* \* \* 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." (Cong. Record, p. 17820)

"\* \* \* \* \* 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." (Cong. Record, p. 17823)

"\* \* \* \* \* 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."

(Cong. Record, p. 17821)

"\* \* \* \* \* 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."

(Cong. Record, p. 17815)

Other Senators who spoke in behalf of the resolution were: Senators Brewster, (Cong. Record, p. 17819); Miller (Cong. Record, p. 17822);

Senator Hickenlooper: \* \* \* \* \* 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. \* \* \* \* \* (Cong. Record, p. 17828 and 17829)

Also, Senators Kuchel (Cong. Record, p. 17830); Stennis (Cong. Record, p. 17831); Pell (Cong. Record, p. 17833); Cooper (Cong. Record, p. 17834); Lausche (Cong. Record, p. 17835); Randolph (Cong. Record, p. 17836); Sparkman (Cong. Record, p. 17838) Bartlett (Cong. Record, p. 17839); Byrd (West Virginia) (Cong. Record, p. 17839) and Clark (Cong. Record, P. 17841).

Senator Carlson in concluding his remarks said:  
\* \* \* \* \* I associate myself with the remarks of the Senator from Idaho. We have reached a place where we have not only to support the President, because he has the responsibility, but we have a duty and a privilege today, and we should exercise it. (Cong. Record, p. 17837)

3p

I



...of the Senate to the bill (H.R. 1111) to facilitate the performance of 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. Moassel], 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-

and related aggression against the

attacks on the *Maddox* and other ships. These attacks have been isolated occurrences and have been appropriate responses to a less than adequate act of force than that which was even by measures short of war. This, however, is not the case. The North Vietnamese regime has made an international career of aggression 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 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 other.

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 Peiping 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



...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]  
SRIAN CRISIS

President Johnson has earned the gratitude of the free world as well as of the North Vietnamese 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 that attacked.

The attack did not merely decimate Hanoi's ability 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 President 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 President, 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 report 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 dignified 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 Peking'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 harassment may be a prelude to escalation of the war in Vietnam, perhaps drawing in Peking. 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 Peking 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 Peking 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

As a result, a rebellion has proved this futile. In fact, has been taken out of the political campaign for the moment. The attempt to keep it out, by retaining Republican support, means that President Johnson hereafter 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.

There 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 politically 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 intention 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 aircraft had been lost. In its promise to retaliate against the aggressors the United States had not been bluffing. Of that there could no longer be any doubt.

It is not an easy thing to lose even a small amount of military power available to the United States. Chief, but in this case the President has said, "Aggression unchallenged is aggression." He said, "Is aggression to be allowed to sit back at a time of provocation, the United States hoped 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 disunited, 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 doubt the perils that lie ahead. South Vietnam is an annoyance, but it is not the major consideration. The key to the situation lies hidden in Communist China, in the course of a long essay alone, or with the encouragement of Moscow. Yesterday's conclusion of a United Nations session was intended not only as a report to the nations but also as a statement of the intentions of the United States. 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 denied 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 conveying 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



neighborly 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 patrol 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

the last thing we would want to do is to have the language of the resolution prevent it. It is our hope whatever the Commission and I feel is necessary. It is not to restrain the Executive from doing it. Whether or not that should 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 lead 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 accl-

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



... we just had—  
... area of the United  
... further aggression.

... took action calcu-  
... to prevent further aggression, be-  
... it was a very good, positive, and  
... alternative action.

... is left open. It does  
... any aggression against whom. It is  
... enough so that it could mean ag-  
... against the United States, or  
... against the South Vietnamese  
... which I would suggest cer-  
... in with the President's deter-  
... —

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 really must draw 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  
... all. My own regret is that we do  
... not cover it in the first part of the  
... resolution.

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

Mr. MILLER. I know that it is dif-  
... ficult to draft a resolution of this kind  
... to satisfy everyone and keep it concise.  
... I know that conciseness is a virtue, but  
... I should like to do is to point out what  
... has been done and, also, to inquire whether  
... there will be any change in the resolu-  
... tion now that up to the distin-  
... guished members of the committee. I  
... would like to hear 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  
... point.

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 be-  
... lieve, that is expressed in the two sec-  
... tions.

Mr. MILLER. But there is no inten-  
... tion expressed other than to prevent fur-  
... ther aggression and stop the present ag-  
... gression 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 cor-  
... rect.

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 Geor-  
... gia [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 distin-  
... guished 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 Mala-  
... ysia has a long frontier with Indonesia  
... and Burma with Red China, am I correct  
... in my understanding that neither Ma-  
... laysia nor Burma is a party to or a proto-  
... col state of the Southeast Asia Collective  
... Defense Treaty?

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

Mr. HOLLAND. I heard the state-  
... ment. 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 con-  
... cerned with the drafting of the resolu-  
... tion, 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 ap-  
... proval, if I correctly understand it, the  
... provision that, in effect, Congress re-  
... serves the right to terminate any ad-  
... vance expression or commitment in this  
... field by the passage of a concurrent resolu-  
... tion 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 ter-  
... minated at any time by a concurrent resolu-  
... tion 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 Presi-  
... dent in the fields covered by the resolu-  
... tion, it delimits those fields clearly. Then  
... it further reserves to itself the right to  
... terminate, for any cause sufficient to it-  
... self, this advance expression or commit-  
... ment.

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 Sen-  
... ator 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 Govern-  
... ment 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 advis-  
... ory military personnel as well as equip-  
... ment and materiel—our objective being  
... to help in the establishment of an in-  
... dependent 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  
... 15,000 troops there. In addition, it is  
... now proposed that this number be ex-  
... panded 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 be-  
... comes necessary to prevent further ag-  
... gression, we agree now, in advance, that  
... you may land as many divisions as  
... deemed necessary, and engage in a di-  
... rect military assault on North Vietnam if  
... it becomes the judgment of the Execu-  
... tive, the Commander in Chief, that this  
... is the only way to prevent further ag-  
... gression"?

Mr. FULBRIGHT. As I stated, sec-  
... tion 1 is intended to deal primarily with  
... aggression against our forces. "That the  
... Congress approves and supports the de-  
... termination of the President, as Com-  
... mander 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

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, was to aid in the establishment of an independent regime which would 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 I am going 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 observed.

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 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 the recent 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 arms, personnel, material, guns, and ammunition, to attack their neighbor? What 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 should do what we can to enable the people to have an independent life and conduct their own affairs. We have tried, in good faith, to do it in this area. We have not been interfered with, in a most brutal and vicious and savage way. A program of terror has been almost nonexistent. I suppose there has been some precedent for it, but it has not been a common one. We have tried to

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 these 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 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 guerrilla 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.

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

Mr. FULBRIGHT. I yield.

Mr. SCOTT. I support the resolution. I was asked 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 privileged 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 fit 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.



ask these questions of the country and all of us is being undertaken. In answer to 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 empowered 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, if I may say so, 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

think things moved slowly, and things had time to develop. 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, doesn't he?

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 to the 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 such nation or group of nations to resist 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 passage of time 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-



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 Serv-

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

without having to come to the Congress for its authority.

At this date, the question of use of American force may give rise to some future 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 tested, 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—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 durance 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-



the distinguished senior Senator from Oregon, Wayne Morse. I would hope that every Member of the 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 case. I do support entirely the making of the latest case against the attack by North Vietnam on U.S. naval vessels, and I support it to the United Nations.

It is 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 members of this resolution seem to have regarded 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 SENATE 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.

Once again a storm is gathering over a long-fermented area of this weary world. Ominous and ugly are the threat and threat 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 peace-loving 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 60 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 attacked. 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. Sarver 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



to do it, is not appropriate on this occasion. This is not a time to change 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. CORE. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. CORE. 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 any 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 reticent 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 15, 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 13, 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,

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.

### MEMORATION OF FORMER PRESIDENT HOOVER'S 90TH BIRTHDAY

Mr. DIKSEN. 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, 1914, 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. 183) 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



the treaty, could take action after consulting the constitutional processes—while it 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 use of war.

I am about to make, but I believe that southeast Asia is a matter 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 these 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

to be about dropping the bomb on the island? Yet history records that a million or more lives were saved, devastating as the dropping of that bomb was.

These are dread decisions which great powers must make. They must make them with morality, and with a willingness to walk the extra 10 miles—to paraphrase President Eisenhower—and consider every avenue that means an "out," even if we have to swallow a little pride, in dedicating ourselves to using every means of diplomacy and persuasion on the people of the world, while they have yet time to exercise a choice.

I hope the joint resolution will be administered in that spirit by the President and by the Foreign Relations Committee, which also bears a heavy responsibility as the trustee of all of us here.

It is under those conditions that I shall, with deep knowledge and notice of what I am doing, cast my vote for the joint resolution.

Mr. LAUSCHE. Mr. President, I wish to make some comments with respect to what was said by the Senator from New York dealing with what we obligate ourselves to do by this resolution. Earlier today the Senator from New York made some inquiries on this subject. Other inquiries have been made by other Senators.

Under the first section of the resolution, we commit ourselves and authorize the 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.

In other words, under the first section, we contemplate that our Government shall repel any armed attack against the forces of the United States and will take such action as is necessary to prevent further aggression.

Section 2 has been rather widely discussed this afternoon. I wish at this time to call attention to certain articles of that section. It deals solely with the Southeast Asia Collective Defense Treaty, SEATO. It empowers the President to determine, limited by the authority of SEATO, what action we shall take in protecting the rights of the members of SEATO. Our obligations under SEATO are divided into two parts.

Part I, in substance, declares that the Government of the United States will join in the protection of its fellow members against any aggression. I wish to emphasize that under the first part of article IV of the SEATO Treaty our Government is only obligated to lend its military forces in instances in which our allies are attacked and such attack endangers the security of our country. I wish to read the first part of article IV, which is applicable to the statements which I have thus far made:

Each party—

That means each party that has subscribed to the SEATO Treaty—  
recommends that aggression—

I emphasize the word "aggression"—  
by means of armed attack in the treaty area against any of the parties or against any State or Territory which the parties by unanimous agreement may hereinafter des-

ignate, would endanger its own peace and safety, and agrees that it will in that event—

The question is, What event? The answer is in the event of attack and that in addition thereto it endangers the security of the United States of America, our country will—

act to meet the common danger in conformity with its constitutional processes.

Under article IV of SEATO we are obligated only to give military help to our allied members of SEATO when they are attacked from without. We are not obligated to give them help if they attack nations which are not members of SEATO.

The first half of article IV makes it abundantly clear that under the SEATO Treaty our Government is not obligated to come to the aid of any country unless that country, a member of SEATO, has been attacked by an enemy and that attack endangers our security. Probably I ought to add that the treaty makes it conditional that the countries which attack, and upon which we are allowed to impose our military strength, are Communist countries.

Now we come to the second half of article IV of the SEATO Treaty. The second half deals with no attack upon members. It deals with conduct that does not constitute an attack but which endangers the security of the member countries.

I read the provisions of the second half of article IV:

If, in the opinion of any of the parties, the inviolability or the integrity of the territory or sovereignty or political independence of any party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this article from time to time apply, is threatened—

I wish to repeat that—

is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the parties shall consult immediately in order to agree on measures which should be taken for the common defense.

The second half of this article, dealing with our obligations, provides, in effect, that if one of our allies is not attacked but is subjected to threats and conduct that endanger the security of the country and ourselves, we do not have the obligation to impose our Armed Forces in order to secure a settlement of that threat.

In the second instance, our obligation is only to sit down with the members and consult. We say to the members in that consultation: "None of us has been attacked. Therefore, there is no obligation to impose our arms according to our constitutional processes." In effect, it is further stated that, though we have not been attacked, the practices and the activities to which we have been subjected are a danger to the security of the individual and the composite countries.

In the second half of the section, the members are obligated to consult and determine what the course shall be.

Now I get down to what I term to be the significant aspect of section 2 of the

resolution. To the President, Congress assigns the rights that are vested in Congress itself. In the event there is an attack upon an allied country, the United States is obligated to come to its aid against that attack (provided such an attack in the opinion of the United States endangers the security of the United States). In the event there is no attack, we have no obligation whatsoever, except the obligation to consult. I have discussed this aspect of the problem, because today a number of Senators asked questions implying that it was their belief that if South Vietnam attacked North Vietnam, under the SEATO treaty we were obligated to give South Vietnam help. That is not true. We are not obligated at all. We are obligated only when an attack has been made by North Vietnam on South Vietnam. That attack must be in an offensive and, of course, belligerent nature.

I ask unanimous consent that articles IV and the second part of article XI be made a part of the Record.

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

#### ARTICLE IV

1. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

#### UNDERSTANDING OF THE UNITED STATES OF AMERICA

The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2.

Mr. LAUSCHE. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.



12125 LANG OFFICER. Without  
it is so ordered.

**SENATOR BONDURPH.** Mr. President, there is no reluctance and no reservation in my support for the pending resolution. The President of the United States has acted with firmness and wisdom. The course of action followed—and apparently decreed for the immediate future as well—has the merit also of embracing discretion and objectivity without involving the danger of unlimited hostile activity. There should be maximum unity within the Government on this issue—and the degree of unity is as in numbers on the Congress as on the executive branch.

I believe the President was right in requesting that there be an emphasis in the resolution—indeed, an expressed determination that "all necessary measures" be taken. In effect, congressional authority for future military action in southeast Asia would be delegated to the President—and properly so—by this resolution.

Columnist David Lawrence calls attention today to U.S. Ambassador Adlai Stevenson's speech in the United Nations Security Council yesterday in which he said the attacks on the U.S. Navy vessels in international waters of the Tonkin Gulf were "part of a larger pattern with a larger purpose."

And, as the New York Times this morning declared editorially:

"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."

Although we can suspect, as Ambassador Stevenson indicated, that the attacks were part of a larger pattern with a larger purpose, I agree with the Times' further editorial comment.

"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 by the mission of peace."

**SENATOR THURGOOD.** Mr. President, I am in support of the resolution which is the pending business before this body.

It is not the United States of America which is the aggressor in southeast Asia. The Communist aggressors launched the attack on U.S. Navy forces in the Bay of Tonkin, and they are the aggressors in Laos and in Vietnam. The United States had no alternative but to retaliate against the unwarranted and unprovoked attack by North Vietnamese on U.S. destroyers.

It is fitting that the Congress express its approval and its support of the determination of the President to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

Mr. President, the approval and support which the Congress now expresses for the President to take necessary

measures to repel any armed attack against the forces of the United States is not new. This authority the President now has, and, indeed, he has been exercising this authority as well as the authority to assist our southeast Asian allies to repel armed attacks against their nations and their armed forces.

The resolution which we are considering today does approve a new element which has not, prior to this week, been exercised, and that is the taking of all necessary measures to prevent further aggression. I sincerely hope that the President will take all necessary measures to prevent further aggression, not only against our own military forces, but also to prevent further aggression against our southeast Asian allies. If he does so, it will mean that we are at last abandoning our purely defensive posture in favor of a "win policy" in the war which the Communist aggressors have initiated and are continuing.

It is imperative that victory, not stalemate, be our objective in dealing with Communist aggression in southeast Asia.

**MR. HUMPHREY.** Mr. President, I wish to state my support of the joint resolution before the Senate, Senate Joint Resolution 139. I know that this matter is of serious consequence, but I also know that the precedent of a joint resolution to promote the maintenance of international peace and security is well established. I well recall, as I am sure other Senators have in the debate, that in the instance of the Formosa crisis, and in the instance of the Middle East crisis, Congress joined the President in a statement of national security policy relating to our national security interests in those areas. The joint resolution before us follows very much the same guidelines and the same form as the other resolutions to which I have referred.

It is my view that the President has the authority under the Constitution to order the Armed Forces of the United States to protect the vital interests of this country whenever those interests are threatened. In other words, the President was acting fully within his authority when orders were given to the destroyer  *Maddox*  to repel the PT boat attack from the North Vietnamese.

The President, as Commander in Chief, not only has the authority under the Constitution to use the Armed Forces of the United States for the protection of our freedom and security; he has the duty to do so. In the day and age in which we are living, attacks upon our country often come swiftly. They frequently come at a time and a place in which only a swift response will achieve the purpose of the action. Delayed response would be of no avail.

We live at a time when communications make it possible for an enemy to strike serious blows at our country and to adversely affect our vital interests, and to do it so rapidly and so decisively that unless we can respond quickly, we shall suffer defeat before we even have an opportunity to evaluate what has happened.

So I believe that President Lyndon B. Johnson, in ordering our aircraft to destroy certain facilities of the North Viet-

namese regime, facilities which have been used to harass American shipping and to attack units of the American fleet, did what he should have done. He is to be commended for having done it, and is to be respected for the manner in which he took this decision action.

The joint resolution now before the Senate, in the "whereas" clauses, states the facts. It reads:

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

All those statements in the "whereas" clauses are facts—known facts of foreign policy and known facts of international life.

This Nation has an obligation to fulfill its treaty responsibilities. This Nation, as a leader of peoples in the free world and of free nations in the world, has the responsibility of assuming the heavy burdens of leadership, which at times includes the defense of helpless people, the defense of defenseless people.

Therefore, Mr. President, (Mr. Brewster in the chair), the joint resolution before the Senate makes note of the fact "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."

I do not believe that anyone would disagree that such measures are necessary.

Surely, we cannot permit an unprovoked attack upon the forces of the United States without response. Surely, the Congress would not condone a pattern of international conduct that would deny the fleet of the United States the use of international waters. It is a part of our national history and our national heritage to support freedom of the seas—from the time of George Washington, through the administration of Thomas Jefferson and the incidents with the Barbary pirates, up to this very hour. As a great maritime power, we must insist upon a strict application of international law, insofar as the high seas and international waters are concerned.

Therefore, the attack which was made upon our vessels had to be repulsed; and in repulsing that attack it was essential that the particular facilities in the haven from whence the attack took place should be destroyed.

The second section of the resolution recites once again what has been the



policy of this Nation since 1954, insofar as southeast Asia is concerned.

It states very directly and simply for all to understand:

The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia.

We are signatories to the SEATO treaty. The South Vietnamese Government—the government of a free country—has asked for our assistance. We have a mutual assistance pact with them. We have given assurances, since the days of the Eisenhower administration, through the Kennedy administration, and now into the Johnson administration, that the obligations of the mutual assistance agreement will be fulfilled.

It is my view that the minute we back away from commitments we have made in the defense of freedom, where the Communist powers are guilty of outright subversion and aggression, on that day the strength, the freedom and the honor of the United States starts to be eroded.

I remember a Senator once saying in this Chamber that he doubted very much whether the Communist nations intended to blow the world to pieces; that he thought possibly they intended to pick it up piece by piece.

The more I think of that expression, the more truth there seems to be in it.

The aggressor seeks to bite off piece by piece the areas of freedom. They seek to do it through terror, subversion, and persistent aggression.

We have seen this happen in our own hemisphere. We have watched, for example, how the Castro Communist regime in Cuba used every conceivable means to destroy the free government of Venezuela—through subversion, terrorism, propaganda, propaganda—every conceivable method, military, economic, and political.

It is of the opinion that what is going on in southeast Asia is a persistent attack on the part of the Communist forces to nibble away at certain areas in southeast Asia which we can call free and independent, to take them one by one—this would include Laos, Cambodia, Vietnam, in the southeast Asia peninsula.

Let us not forget for a single moment that only a few months ago an international agreement was arrived at in reference to the country of Laos, and a man by the name of Souvanna Phouma, who was a neutralist, was elected as the Premier. I can recall when Souvanna Phouma was looked upon as less than desirable to the Government of the United States. But he is the Premier of Laos, and he is attempting to keep the obligations and to fulfill the commitments of the international agreement. All the forces in that little country were supposed to have come together and were supposed to follow the commitments and the terms of the agreement—the rightist forces, the neutralist forces, and the Pathet Lao.

What has happened?

The Pathet Lao, the Communist forces, have waged a relentless attack upon the established regime. Were it not for the Government of the United

States resisting, were it not for the Government of the United States attempting to maintain the strength of the established regime and government of Souvanna Phouma, Laos today would be only another Communist-bloc country.

I do not believe that we show any love of peace by letting the Communists take the world over piece by piece. We show no love of peace by permitting unprovoked and unadulterated aggression to take place against friendly and peace-loving nations, or against the Armed Forces of the United States.

What this joint resolution does is to place the elected representatives of the American people in Congress assembled on record as supporting the actions of the Commander in Chief in defense of American sovereignty, in defense of American Armed Forces, and in fulfillment of our treaty obligations and commitments.

A great power must be an honorable power. A great nation must be willing at times to make great and difficult decisions. I would be the last to say that this decision did not have within it the possibilities of even greater troubles ahead. But I do not believe that we can duck these troubles. I do not believe that we can avoid them by pretending they are not there.

I do not believe, if the fleet had been withdrawn from Tonkin Bay area where it was attacked, that it would have made the Chinese any more peaceful, or the North Vietnamese any more considerate of the legitimate rights of the people of South Vietnam. On the contrary, I believe that were we to have withdrawn, or had we pretended it was nothing more than a little incident, all it would have done would have been to feed the beast of aggression. North Vietnam, in concert with the Communist Chinese regime, would have continued to build up its airfields, its depots, its supply lines, and its bases.

So we did what we had to do.

Mr. CHURCH. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. CHURCH. Would not the Senator agree with me that there is a proper time to question the merits of a national policy, whether it be in southeast Asia or anywhere else in the world? One of the functions of the Senate is to keep our foreign policy under continuing surveillance.

There is a time to question the route of the flag, and there is a time to rally around it, lest it be routed. This is the time for the latter course, and in our pursuit of it, a time for all of us to unify.

Mr. HUMPHREY. Mr. President, the Senator from Idaho, in his usual and brilliant manner, has stated the case precisely and succinctly. There is not only a time, but there is an obligation on the part of Members of this body to question policy, to express concern if we have a doubt, or to express approval. That is what the Senate of the United States is for. That is why we have the committee structure. That is why we have committee hearings and testimony. There is a time when we can get up and

say that the policy ought to go in another direction, and suggest alternatives. And Senators have done so.

But there comes a time when the aggressor may feel that because of our discussions, we are disunited, and he then could launch an attack.

The power that we have today is to be used for the cause of peace and justice. The power that the American people have in their great military establishment is to help other people as well as ourselves in their pursuit of freedom and in their pursuit of national independence and national dignity.

I believe that we are using it for this purpose. I commend the President of the United States, not only the present President, but the others—the late beloved President Kennedy, and former President General Eisenhower—not only because they were at times willing to use the power, but also because they had the moral character to restrain the use of power that was in their hands when that restraint was necessary.

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

Mr. HUMPHREY. I yield.

Mr. CARLSON. Mr. President, the Senator from Idaho (Mr. Church) has just made a statement. I think I would be less than frank if I did not state, as a member of the Committee on Foreign Relations, that I had several times questioned the policy of this country in southeast Asia.

It seems to me that that time has passed. It seems to me that the President has a responsibility, and that Congress has the duty to insist that our Nation's rights of protection on the high seas be observed, that none of our vessels are fired on, and that we defend ourselves by retaliatory action.

It seems to me that indealing with international problems, we must show firmness. We must show strength. For that reason, I support the President's decision in this matter. I shall vote for the resolution.

I had hoped that there would have been some way that we could have arrived at an arrangement in southeast Asia without continually seeming to be escalating the war.

I have watched the progression of this situation for about 10 years. I know that every other member of the Committee on Foreign Relations has, too. It has concerned me greatly. It seems that we take step after step that involve us in a situation from which it is most difficult to extricate ourselves, even by conferences in the United Nations, or meetings in any other area of the country that we might select.

I associate myself with the remarks of the Senator from Idaho. We have reached a place where we have not only to support the President, because he has the responsibility, but we have a duty and a privilege today, and we should exercise it.

Mr. HUMPHREY. Mr. President, thank the Senator from Kansas. Let me be misunderstood, I, too, on occasion have expressed concern over certain aspects of our policy in southeast Asia. I have tried to make at times what

There were constructive suggestions to complement, or strengthen the program.

I believe that this must be done. Our objective must be made crystal clear. Our Government is not attempting to accommodate a conflict. Our objective is to achieve stability in the area so that we can then go to the conference table. If we ought to make it clear to the world that we do not intend to sit at the conference table with a Communist gun at our heads.

We do not intend to sit at the conference table while the Communist forces continue acts of aggression against ourselves or against our allies. The Communists must learn sometime that the United States of America and other nations associated with it are not going to be blackmailed by Communist subversion, Communist aggression, and Communist power tactics. They must learn that we are perfectly willing to assume the role at the conference table of negotiation and diplomacy, but only under circumstances in which there is a respect for law and order, and in which there is a respect for national sovereignty.

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

Mr. HUMPHREY. I yield.

Mr. SPARKMAN. I think we can all subscribe to the views expressed by the Senator from Idaho [Mr. Church] as affirmed by the Senator from Kansas [Mr. Carlson]. Of course, we are not supposed merely to take things without question. The thought occurred to me that down in the Foreign Relations Committee, where we meet so often, we exercise the power of questioning. When we have briefings and conferences, the individual members of the committee express themselves and ask questions. Most of the time we gain a pretty fair understanding among ourselves and the representatives of the State Department, the executive department, and the military who come before us. I do not know of any problem that has been considered more frequently and more vigorously than the problem of southeast Asia, not merely Vietnam, but also Laos, Cambodia, Thailand, and the entire area of southeast Asia, but particularly the Indochina states.

It has not been one that we merely accepted. Some of the thoughts that have been exchanged in the Foreign Relations Committee have been helpful to the State Department and the Defense Department in trying to meet the problems. I fully agree with the Senator from Kansas that this is a responsibility of the President. When President Eisenhower proposed, in 1953, the Formosa Straits resolution, I spoke on the floor of the Senate regarding that resolution. At that time I said that the resolution was not necessary, that the President had full power and authority to announce this policy and to carry it out. I related it back to the Truman administration in the Greece-Turkey situation in 1947. The Senator will remember that President Truman came before Congress and said, "This is what I have

done. This is the program. I wish you to appropriate the money to carry it out."

I have always felt that the President had such power. However, I supported President Eisenhower's resolution on the Formosa Straits issue, and I supported the resolution on the issue involving the Near East, because the President made it clear, as is made clear at the present time, that what he wanted was a show of unification on the part of the country. Such an expression is provided in the joint resolution before the Senate. It is inherent in it, and it certainly has been in the expressions of the President.

There is one provision in the joint resolution which particularly pleases me, and it follows up closely the resolution relating to the Formosa Straits, the Near East resolution proposed by President Eisenhower, and the Cuban resolution proposed by President Kennedy. It recognizes the power of the President to do these things in defense of our country on the high seas. But it calls for support from the Congress and from the people of the United States. For that reason I believe it is a good resolution, and I think it fully complies with the requirements that all of us would expect.

Mr. HUMPHREY. I say to the Senator from Alabama that the analysis of the joint resolution and the work of the Foreign Relations Committee, not only at times in the offering of such resolutions or in passing upon them, is exactly my understanding of the constitutional powers of the President and the reason for this type of joint resolution. The President does have the power. The joint resolution in no way would weaken his constitutional prerogatives or powers, but it would place behind the President, as a demonstration to the American people, and to the world the fact that the Congress of the United States, representing the people of the United States, supports the action that has been taken. Indeed it not only supports it but, is strongly behind it.

I think that is very important. I call to the attention of the Senate the fact that the Communists have a way throughout history of engaging in aggressive attacks during our election years.

They have some sort of feeling that possibly the country is disunited. One of the most revealing experiences each time is how, regardless of party preference or individual views, the American Congress and the people of our country unite. That has been true in the present instance. The President of the United States consulted and spoke with members of both parties who were called to the White House. Officials of the Government have been to the Congress. The President of the United States was in contact with the standard bearer of the Republican Party. All united in support of the action that was taken and the joint resolution.

Mr. SPARKMAN. It is a mobilization of the strength of democracy.

Mr. HUMPHREY. Mr. President, I should like to yield to the Senator from Montana.

#### ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it adjourn to meet at 10 a.m. tomorrow.

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

#### MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY IN SOUTHEAST 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.

#### ORDER FOR LIMITATION OF DEBATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 3 hours on the pending joint resolution, 2 hours to be given to the Senator from Oregon [Mr. Morse], and 1 hour to be divided between the majority leader and the minority leader, and that a vote on the joint resolution occur at 1 o'clock tomorrow afternoon.

I ask unanimous consent that the provisions of rule XII, clause 3, requiring a quorum call, be waived.

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

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

#### UNANIMOUS-CONSENT AGREEMENT

*Ordered.* That effective at 10 a.m. on Friday, August 7, 1964, debate on the joint resolution (S.J. Res. 189) to promote the maintenance of international peace and security in southeast Asia shall be limited to 3 hours, of which 2 hours shall be allocated to the Senator from Oregon [Mr. Morse], and 1 hour to the majority and minority leaders, and that a vote on the passage of the said joint resolution shall be taken at the hour of 1 p.m. on said day, August 7, 1964.

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

Mr. HUMPHREY. I yield to the Senator from Alaska.

Mr. BARTLETT. I have had deep doubts about the wisdom of our policy in Indochina, with particular reference to Vietnam. I have expressed those doubts many times on the floor of the Senate and elsewhere.

I have feared that there might be an escalation of the war, but I never dreamed that its possibility would come from such causes as have been noted during the past several days.

Mr. President, it has seemed to me that the basic need—that of inspiring the people of South Vietnam to fight for their freedom, to bring into being a government of stability, a government that would be free of Communist influence—has been too often lacking, despite the massive help that we have given in that far-off land.

The distance between the United States and southeast Asia has been one of the basic difficulties we have encountered. It has been said repeatedly that that part of the world is vital to our national security. There can be doubt on



I have never felt, since the proposal was advanced by President de Gaulle, that the war in southeast Asia could be conducted as worthy of derivation from us or from anyone else. I have felt that the proposal should be considered carefully. I believed that, and I have had no reason to change that view, that in the long run the only satisfactory one of conducting what is a despicable operation, not only for the South Vietnamese, but also for us could be arrived at around the conference table. But it has been apparent from the start—so far as I was concerned at least—that we should not go to the negotiating table from a stance of weakness. We must, first, set up a system there through military strength, through desire on the part of the South Vietnamese themselves, where negotiations might be conducted on a basis of equality.

But whatever my views or the views of others on this sorry situation may have been, the fact remains that they now must be considered in the light of what has happened this week. For me there will be no difficulty in voting for the joint resolution which is now being considered by the Senate. All Americans must unite behind their President and behind their Government in the hope, as the President has so frequently expressed during the past few days, that there will be no further developments in the war, that the strikes which we have made, after acts of aggression have been committed against us, will constitute a sufficient warning, and that even now, in this hour of crisis, the dangers will be resolved, and that at a date not too far distant, peace may be restored to those unhappy lands.

Meanwhile, it is my intention to vote tomorrow for the joint resolution.

For me, there is no alternative.

I wish we had never committed ourselves to the course of action upon which we embarked several years ago. But we did. And now we have been attacked. Our honor, our integrity, our vital interests are assuredly now at issue. We can do but one thing as I see it—united behind the President.

Mr. HUMPHREY. Mr. President, I thank the Senator from Alaska for his comments. I conclude by saying that the Senator from Minnesota will vote for the joint resolution.

I invite the attention of our countrymen to the fact that the desire of the Government is for peace with justice; the desire of the Government is for the cessation of hostilities in any part of the world; the desire of the Government is not to extend or to expand the struggle or the war in southeast Asia; the desire of the Government is to have nations live by their commitments, their treaty obligations, and to respect the sovereignty and independence of the nations in that area. This Government has as its objective the fulfillment of its treaty obligations; our action in southeast Asia directed toward that purpose.

I commend the President and hope that the joint resolution will be overwhelmingly supported.

Mr. BYRD of West Virginia. Mr. President, I rise to support the joint resolu-

tion to promote the maintenance of international peace and security in southeast Asia. The deliberate and unprovoked military attacks by the North Vietnamese upon our naval vessels created a situation in which the President was forced to take immediate and firm action. The action was taken, and all Americans can be proud of the firmness which our military forces have displayed. It has been a firmness, without giving the appearance of being tough, and I feel that the exercise of restraint, in the use of the overwhelming power which we possess in the area immediately affected, has created a very favorable impression throughout the free world.

While the initial incident appeared at first to be an isolated event, subsequent aggressive action by the North Vietnamese indicated that the attacks were planned and carried out for purposes concerning which we are not fully aware even at this moment. For the United States to have vacillated or hesitated would have encouraged further acts of aggression, and, in my judgment, we had only one course to pursue in the upholding of our country's honor and in the protection of its immediate and long-term security. That course was taken. We should be under no illusions as to the grave consequences which may follow in the train of events which have recently transpired. We may be confronted with an escalating Vietnamese war, and the danger of deeper U.S. involvement must be faced up to. We know not what lies ahead. We do not know what the next Red move may be, but we can hope that the resoluteness and determination which have already been displayed by our Commander in Chief and our military forces will duly impress the North Vietnamese and Red China and indeed the Soviet Union, and that the Communist regimes in those countries will not dare to discount the danger to world peace involved in further provocative behavior.

The people of America share with other freedom-loving nations the fervent hope that reason will prevail and that peace can be restored in the Far East. Nonetheless, the unity and determination of the American people, through their representatives in Congress, should be manifested in terms which are certain and clear. It is imperative that the resolution be adopted unanimously and with promptitude. As a member of the Senate Committee on Armed Services, I voted this morning to favorably report the resolution, and I am now ready to support its adoption by the Senate. Our country is not interested in the plunder of aggrandizement, but our country is bound to resist every peril to our security and the security of the free world. Action, not words, should be the order of the day.

Mr. MORSE. Mr. President, as the record of the Senate already shows, the majority leader and I had a conference a few moments ago, in which a unanimous-consent agreement was reached that the Senate would resume tomorrow morning at 10 o'clock, that we would vote at 1 o'clock tomorrow afternoon, that the senior Senator from Oregon

would be allowed 2 hours of that time and that the other hour would be divided equally between the majority and minority leaders.

I shall make my major rebuttal speech at that time, but for just a few moments tonight there are certain facts I want to put into the Record, so that they will be in the Record tomorrow.

Yesterday I made a major speech in opposition to the pending resolution. I now incorporate that speech by reference and stand on every word I uttered.

In that speech I said the United States was a provocateur, along with South Vietnam, North Vietnam, Red China, and the Pathet Lao in Laos, and possibly on some occasions Cambodia, and that the United States must assume and be charged with its share of responsibility for a series of provocations that have led to the crisis which now exists in southeast Asia.

I repeat it tonight. I am satisfied that there is no question about it.

Mr. President, we have stood in violation of the United Nations Charter for years in South Vietnam. Even the neutral commission composed of representatives from India, Canada, and Poland found North Vietnam and South Vietnam in violation of the articles of the Geneva accords. The South Vietnam violation was due to the military operations of the United States in South Vietnam. That is our provocation.

As will be seen before I finish these brief remarks tonight, we have not reported our military buildup in South Vietnam to the United Nations under article 51, which is a clear treaty obligation of the United States. We have never done it, Mr. President.

So the senior Senator from Oregon does not modify in one iota his charge that contrary to its treaty obligations, the United States has been a provocateur in southeast Asia along with South Vietnam, North Vietnam, Red China, the Pathet Lao in Laos, and possibly Cambodia.

No one can possibly justify the attack on American ships in Tonkin Bay off North Vietnam. The senior Senator from Oregon, from the very beginning, has been highly critical of it and has condemned it.

As in domestic criminal law, crimes are committed, but they are sometimes committed under provocation. The provocation is taken into account by a wise judge in imposing sentence.

Some provocative factors were involved, which I mentioned yesterday, but I want to mention them again tonight for the Record. On Friday July 31, South Vietnamese naval vessels—not junks but armed vessels of the PT boat type made available to South Vietnam by way of our aid program—had bombed two North Vietnamese islands. One island is approximately 3 miles and one approximately 5 miles from the main coast of North Vietnam.

As I made clear this morning in a committee meeting, the United States did not act in a vacuum with respect to the bombing. The United States knew that the bombing was going to take place. The United States has been in close



tion has with the military die-  
p we have been supporting as a  
te protectorate in South Vietnam  
quite some time. We knew for quite  
a long time that the dictator of South  
Vietnam has wanted to go north. We  
know that recently there was a big dem-  
onstration in Saigon, staged pretty much  
by students, but there were others, and  
in response to a speech made by Dictator  
Khanh, the cry was, "Go north, go north,  
go north," which meant that the cry was  
for escalating the war into North Viet-  
nam.

We also know that as a result of that  
incident, which ended in an incident of  
some riot proportions, in that the rioters  
pulled down some memorials which had  
been erected to the French dead in Sai-  
gon, General Khanh and Ambassador  
Taylor had some diplomatic conversa-  
tions. Many Senators have read that the  
last diplomatic conversation had taken  
place at a party out in the country, at an  
estate, which Khanh and the Ambassa-  
dor had attended. The stories which  
came out of that meeting were to the  
effect that they had resolved their differ-  
ences and there was a recognition on  
the part of the general that the United  
States would not favor an extension and  
expansion of the war to the north.

On Friday, July 31, the war was esca-  
lated to the north. That is not a matter  
of infiltration. That is not a matter of  
gangs seeking to bring in supplies. That  
is not a matter of South Vietnamese in-  
tellectuals or people being slipped into North  
Vietnam or of North Vietnamese intelli-  
gence agents being slipped into South  
Vietnam. This was a well thought out  
military operation. These islands were  
bombed.

When these islands were bombed,  
American destroyers were on patrol in  
Tonkin Bay, and they were not 60 or 65  
miles away. What I am about to say I  
can say without revealing the source and  
without violating any secrecy.

It is undeniable that in the patrolling  
operations of our destroyers in Tonkin  
Bay the destroyers have patrolled within  
12 miles and not more than 3 miles off  
the coast of North Vietnam. The reason  
for these are the figures is that there  
is a conflict between the United States  
and North Vietnam. North Vietnam  
claims that her national waters go out  
12 miles. She is not the only country  
in the world that claims it. The United  
States takes the position that national  
waters extend only 3 miles. I believe our  
position is absolutely right. I believe the  
weight of international law is in favor  
of us. I think the so-called exceptions  
which are often cited in international  
law cases, which certain proponents seek  
to use to throw doubt over the whole  
principle, are exceptions which apply in  
geographic locations in the world are  
special in their nature. Some Latin  
American neighbors claim not only 12  
miles, but, in some instances, more than  
12 miles, particularly when they think  
the national waters beyond 12  
miles may give them great commercial  
advantages in respect to fishing rights.

I only mention it in passing to show  
that this fact is a point of international

law which is frequently under considera-  
ble dispute and controversy.

I repeat my premises. There is no ques-  
tion about the fact American naval ves-  
sels, in their legitimate rights of patrol  
in Tonkin Bay, patrolled within an area  
of 3 miles to 11 miles in extent.

They patrolled under 12 miles to dem-  
onstrate that we did not recognize any  
12-mile limit, and stayed beyond 3 miles  
to make it clear that we respected and  
abided by what we thought was the in-  
ternational law rights of North Vietnam.

We had the international right to do  
that. The senior Senator from Oregon  
has never taken the position that we have  
no right to patrol in Tonkin Bay in in-  
ternational waters. It ought to be done  
with discretion. If we wish to argue in  
one breath that we are against escalating  
the war, we have a little difficulty in  
the next breath justifying, in my judg-  
ment, the course of action that we fol-  
lowed in respect to South Vietnamese  
bombing of the two islands 3 to 5 miles  
off the coast of North Vietnam, and then  
having American naval vessels, a part  
of our Navy, so close to the North Viet-  
namese coast, although in international  
waters, as they were on Friday, July 31,  
when the bombing took place.

Oh, Mr. President, the Pentagon and  
the State Department throw up their  
hands in aggravation if anyone sug-  
gests, as I did in my speech yesterday,  
that their very presence there is sub-  
ject to the interpretation that they were  
a backstop. All the protestations on  
the part of the State Department and the  
Pentagon cannot change a physical fact.  
The presence of those ships in that  
proximity to the North Vietnamese coast,  
while an act of war was being committed  
against North Vietnamese coast by the  
bombings of those islands, was bound to  
implicate us. We are implicated.

One can deny, deny, and deny, but  
the fact that the ships were that close  
while the bombing took place is bound  
to be interpreted as a provocation, and  
also must be considered when we look  
at the matter of the reaction to it as an  
extenuating fact.

Mr. President, I do not know exactly  
the mileage location of the American  
naval vessels while the bombing took  
place. I do not know whether it was  
4 miles, 11 miles, or 20 miles. But the  
very fact that these ships were in that  
general area of Tonkin Bay, where they  
could have given, if it became necessary,  
protection, in my judgment implicates  
the United States.

It is bound to be looked upon by our  
enemies as an act of provocation; and it  
makes us a provocateur under the cir-  
cumstances.

It is difficult to find out exactly what  
happened in regard to the ultimate at-  
tack on the *Maddox* on Sunday. The  
bombing took place on Friday. But I  
think I violate no privilege or no secrecy  
if I say that subsequent to the bombing,  
and apparently because there was some  
concern about some intelligence that we  
are getting, our ships took out to sea;  
that is, they changed their course, in-  
stead of remaining close to the mainland  
of North Vietnam, as they had a perfect

right under international law to do. But  
as a result of the concern that was caused  
by the bombardment by the South Viet-  
namese—our ships went a considerably  
greater distance from the shores of  
North Vietnam. Approximately 60 miles  
offshore was the point at which the at-  
tack by the North Vietnamese PT boats  
took place.

That was an act of aggression on their  
part against the United States. There  
is no question that we were clearly within  
our rights in replying with force and  
sinking their ships, if we could. Appar-  
ently we did sink one of their ships.  
That closed that incident.

Mr. LAUSCHE. Mr. President, will  
the Senator yield for a question?

Mr. MORSE. I shall be glad to yield.

Mr. LAUSCHE. The Senator just  
made the statement that, on the basis of  
certain intelligence received by, I assume,  
the commander of the *Maddox*—

Mr. MORSE. I am not going to com-  
ment on that. I think I have said all  
that I have a right to say within the  
proprieties.

Mr. LAUSCHE. There has been no  
proof of any kind whatsoever that any  
intelligence was received, except as to  
the pursuit by the PT boats of our *Mad-  
dox*. So my question is, On what basis  
does the Senator from Oregon say that  
we received certain intelligence that our  
ships were being attacked?

Mr. MORSE. I did not say that.  
Read the record. Have the record read  
back.

Mr. LAUSCHE. Will the Senator  
please state, then, what his under-  
standing—

Mr. MORSE. If it will help the Sen-  
ator, I will repeat what I said. I had  
pointed out that after the bombardment  
of the islands, the American ships, from  
the point where they were, took out to  
sea a greater distance.

Then I made the comment that it was  
my understanding that on the basis of  
intelligence reports there was some con-  
cern about the situation. I did not say  
what the Senator said I said. I do not  
think I should say it. I do not believe  
the Senator from Ohio should say it,  
either.

Mr. LAUSCHE. I am glad to have the  
Senator's information.

Mr. MORSE. I do not think the Sena-  
tor from Ohio should say it either; but  
on the basis of intelligence reports, a  
decision was made that our ships should  
go farther out to sea. That is all I have  
said.

Mr. LAUSCHE. Does the Senator  
mean on the basis of knowledge, or on  
the basis—

Mr. MORSE. It is on the basis of  
what the Senator from Ohio and I heard  
in a secret session of the committee. I  
think I have said all I should say. I  
merely say that there was a change in  
our patrol policy, that our patrol boats  
went farther out to sea and were followed  
by the PT boats of North Vietnam.

Finally, on Sunday, they were close  
enough together for the engagement to  
take place.

Mr. LAUSCHE. So that we may have  
an understanding, our *Maddox* did go

to sea; but according to my recollection, that had no relationship to what was happened on the islands. It had a relationship to the pursuit that was being made by the PT boats of our *Maddox*.

Mr. MORSE. I have not said it had a relationship to what had happened in the islands. I am merely saying—the conclusion I am about to make in a moment is—that we had naval craft in the area of Tonkin Bay, where the *Conry*, in my judgment, had good reason to believe that there was a cause-to-effect relationship between the bombardment and our naval boats, and that our authorities knew of the bombardment. It does not make any difference whether the *Maddox* knew of the bombardment. Our authorities had the right to put the *Maddox* wherever they wanted to put her. The fact is that our authorities knew of the plans for the bombardment. The conclusion I was about to make is that they made a great mistake, in my judgment, in having our ships as close as they were to the mainland of North Vietnam when that bombardment took place, for they assisted the North Vietnamese to draw the conclusion that there was a relationship between the American patrol boats and the boats bombarding the islands. I think that was the only interpretation we could expect the North Vietnamese to make; and it would be exactly the same interpretation the United States would make under reverse circumstances.

Mr. LAUSCHE. Mr. President, will the Senator from Oregon yield further?

Mr. MORSE. I yield.

Mr. LAUSCHE. The exchange of our words will not solve this problem. However, I am obliged to say that my recollection of what has been testified to is not inconsistent with what the Senator from Oregon has stated.

Mr. MORSE. The Senator from Ohio has made his interpretation of what I have heard. I am satisfied that my interpretation is unquestionably correct as to what happened to those ships.

The point the Senator from Oregon is making is that if we had knowledge—and we did have knowledge—that there was to be a South Vietnamese bombardment of the islands, we should not have had our ships anywhere in the area. In my judgment, we ought to have had them well beyond the 60 miles where the engagement finally took place. But there is no question that they were much closer to the North Vietnamese coast before that engagement took place. In fact, they were trailed out to 65 miles by the PT boats.

My point is, if we are to talk about avoiding escalation, that the United States was avoided by having any ships anywhere within striking distance or bombardment range; and the South Vietnamese should not bomb those islands. We should have been completely out of the scene.

It is not my opinion, a "showing" done on us by the Pentagon and the State Department in regard to the bombardment. Not only had we no knowledge of it, but it was being done with our tacit approval. If we did not want to escalate the war into North

Vietnam, that was the time for the United States to stop escalating.

Mr. LAUSCHE. I recognize the absolute sincerity of the Senator from Oregon in the statement he has made. I hope that he will also recognize that I am trying to be sincere.

Mr. MORSE. No one could be more sincere than the Senator from Ohio. We are just poles apart in regard to what our obligations and actions ought to be in South Vietnam. The Senator from Ohio favors the program that we are following, which, in my judgment, is a historic mistake. I oppose it. Two men could not be more sincere.

Mr. LAUSCHE. I should like to state my judgment as to what the evidence shows. Our Government had no knowledge of any nature about the attacks which were made upon the two islands by the North Vietnamese. The *Maddox* was miles—

Mr. MORSE. Do not talk about the *Maddox*; talk about our American officialdom in Saigon, and our American officialdom in the Pentagon and the State Department. I state categorically that they knew the bombardment was going to take place before the ships ever moved up there.

Mr. LAUSCHE. Let me state to the Senator from Oregon that there is not a syllable of such testimony in the record which has been taken in the several days we have been listening to witnesses supporting the declaration made by the Senator from Oregon.

Mr. MORSE. There was complete admission that that was known.

Mr. LAUSCHE. It is the judgment of—

Mr. MORSE. It was written out in cold print.

Mr. LAUSCHE. It is the judgment of the Senator from Oregon based in a measure upon his wish that that happened, because that is in conformity with the position that he has taken. There is no testimony in the—

Mr. MORSE. I shall ignore the—

Mr. LAUSCHE. Of any kind that—

Mr. MORSE. I shall ignore the implications of that snide remark.

Mr. LAUSCHE. That is not a snide remark.

Mr. MORSE. It certainly is a snide remark, but I shall ignore the implications of it and state categorically that high officials of this Government have admitted on the record that they were aware of plans for the bombardment, but that they had nothing to do with it, they said—but they were aware of it.

Mr. LAUSCHE. There is no testimony to that effect whatsoever. That is an inference made by the Senator from Oregon as to the—

Mr. MORSE. Get permission of the State Department or the Pentagon to publicly release the whole of the transcript without a single word deleted, and let the country know what they said.

Mr. LAUSCHE. I should like to discuss this subject a little further, but we shall not reach any conclusion, except I must say that I disagree fully with the statements made by the Senator from Oregon.

Mr. MORSE. I know that the Senator from Ohio has good hearing, but on that occasion I do not believe that he was hearing very well.

I yield 1 minute to the Senator from Pennsylvania.

Mr. CLARK. I shall be brief.

I shall be unavoidably absent from Washington tomorrow, having been of the view that the vote on this resolution would take place tonight. I have been unable to change my plans.

I state for the Record that I strongly support the pending joint resolution. Were I present here, I would vote for it. I dislike to make the statement to the distinguished Senator from Oregon [Mr. Morse] that my prognosis is that the resolution will pass.

Mr. MORSE. The resolution will pass, and Senators who vote for it will live to regret it.

Mr. President, to pick up where I left off, the point I am making is that I believe that when the United States became aware of the fact that South Vietnamese planned to bomb the two islands, the United States should have moved in and done everything it could to prevent an escalation of the war.

In my judgment, that act constituted a major escalation of this war. The escalation has been speeding up at an increased tempo ever since. I had made the point that there were naval boats in Tonkin Bay in much closer proximity to the two islands, 3 to 5 miles from Vietnam, than the 60- to 65-mile location which the *Maddox* had reached on Sunday when the attack took place, the bombardment taking place on Friday.

Mr. President, I wish to make it clear that it is quite irrelevant and immaterial whether the captain of the *Maddox* knew anything about the bombardment of the island. He was not conducting a war. He was under orders. I am taking the criticism that, in my judgment, American armed vessels should not have been as close to the islands as they were on Friday, July 31. In my judgment, that gave cause for the North Vietnamese to assume that there was a cause-and-effect relationship between the bombardment by the South Vietnamese vessels and the presence of the American naval patrol boats in Tonkin Bay at the location where they then were.

I repeat that I believe we not only had every right, but we had the clear obligation to protect our men aboard, to protect the vessels, and proceed with the military action by way of the response that our vessels gave to the PT boats of the North Vietnamese who were attempting to torpedo them.

On Tuesday, the next incident occurred. I agree with those who have expressed perplexity as to why the North Vietnamese on Tuesday night in a storm, after 9 o'clock, apparently at night, attempted another armed attack on our vessels.

It certainly was within our right, and I believe our clear duty in order to protect the men aboard and the vessels, to respond with military action designed to sink the attacking vessels.



Mr. President, that action on both Sunday and Saturday night was completely within the realm of international law. We were completely engaged in acts of self-defense. We had every right to respond with force.

I now come to the delicate question. I come to the one, Mr. President—and I make the statement respectfully—about which many people wave the flag into tatters. That is the subsequent action, when our ships were not under fire, in which the United States escalated the war to the mainland of North Vietnam, and the United States selected for itself targets on the mainland of North Vietnam to bomb. We know that that was successful bombing. We know that that involved the bombing of the areas where their naval vessels were harbored, and that it involved the bombing of ammunition dumps and oil locations.

I do not care how one tries to spell it. I do not care with how much political fervor by way of semantics we attempt to describe it. The fact is that the United States was not protecting any ships at that time.

Mr. President, we either believe in settling international disputes by resort to the procedures of international law or by resort to war. We cannot cut this one both ways. After the second attack in defense of our ships in which we engaged, unless we expect to be charged with engaging in acts of aggression, we should have immediately laid our case under the United Nations Charter before the Security Council of the United Nations. In my judgment, we were dead wrong in proceeding to bomb the establishments on the mainland of North Vietnam and then out of the corners of our mouths saying, "Well, we are not seeking to expand the war. We do not want to widen the war. We are just going to defend ourselves."

Mr. President, bombing those sites was not necessary for self-defense at that point. At that point the United States was guilty of an act of aggression. The United States could no longer after that say that the war was being escalated only by South Vietnam, for the United States then escalated the war into North Vietnam. It is my judgment that it violated its obligations under the United Nations Charter, for there is nothing in the United Nations Charter that justifies such an act of aggression under those circumstances.

What a much stronger position we would be in in keeping with our oft-repeated professing that we believe in the substitution of the rule of law for the jungle war of military might as a means of settling disputes between nations.

Mr. President, we should have resorted to the United Nations then.

Oh, say some in their patriotic speeches, that would have been putting our tail between our legs and running.

What nonsense. I should like to use an argument by analogy in the field of domestic law. We lawyers know that there are few controversies between people that can be more heated than a dispute over a boundary line between prop-

erty owners. The lawbooks are full of remarkable accounts of what human frailties cause people to do sometimes over a dispute involving boundary lines. So let us take my farmers A and B. They have one rough argument over a boundary line. The disputes took place for some time. Finally one day A and B met in the area of the disputed boundary. A pulled a gun on B, shot at him, and missed him. B, exercising his right to defense, knocks him down, takes the gun away from him and beats him up, and B goes back home. On his way back home he says, "I have more guns."

Now, A was in the right and B was in the wrong. B was the aggressor; A was the aggressed upon, and he had a just cause for assault or a more serious crime—assault with intent to kill. Instead of taking his charge to the courts, going down and getting the sheriff to take jurisdiction and proceeding to take the course of judicial process, suppose A decided he would invade B's home and destroy the guns that he might have in his home. We know what would happen under domestic law to Mr. B under those circumstances. In the second case he would now be the aggressor.

I use the analogy, but I do not apply it beyond the point that I now make, and that is that after the second attack, there is no question that we had North Vietnam dead to rights in any charge we might bring before the United Nations. And that is where we should have gone. Let us face the foreign policy that we decided to follow. That is what I meant yesterday when I pointed out that apparently the line of American foreign policy in southeast Asia is the line that we shall demonstrate to them that we shall use force, and that there will be more force to come if they do not desist from violations of their international obligations. When I say "they," I mean North Vietnam, Red China, the Pathet Lao, and others on that side of this war.

That is the policy that the United States apparently has been trying to get away with. It is a policy that asserts that if we merely use enough force, and make clear by way of enough threats that it will be pretty bad and hard on them if they do not fold and yield to our threats—if we follow that course of action, we shall avert the danger of war. Under that policy we greatly increase the risk of a full-scale war in Asia. But whether we did or not, that policy cannot be justified as a matter of principle, because that policy cannot be reconciled with our obligations under the United Nations Charter. In my judgment, we ought to abide by our treaty obligations.

Although I know the point I have just made is highly unpopular with those who think we ought to do just as we please under the circumstances and then, after we dominate the battlefield, go to the United Nations, and that that is the policy of my Government. It is dead wrong. It is wrong in principle. It is wrong in morality. It is wrong also because it cannot be reconciled with our professing that we do not believe in the use of military might as the weapon to be used to settle disputes that threaten

the peace of the world. To the contrary, we claim a belief in a resort to the rules of reason as they are embodied in treaties we have signed, such as the United Nations Charter.

So I say we are a provocateur. My colleagues become excited and seem to think I am guilty of some heinous accusation without any substantiation in fact. We would have been in a stronger position before the eyes of the world tonight if, after we had responded, as we had a right to respond Tuesday night, to the attack on our ships, we had on Wednesday laid that issue before the United Nations and asked the United Nations to proceed to take action encompassed under the jurisdiction of the United Nations. Oh, no. We had to proceed to bomb the mainland of North Vietnam on the basis that we had the right to do it in self defense because they had attacked our ships on the high seas.

We have a right to do it if we want to make war, but then we should not deny that we have a policy of war when we say we are seeking peace. It is hypocrisy to say out of one side of one's mouth, "We only want peace," but to say from the other side of the mouth, "But we are justified in committing acts of war."

Issues of international litigation are involved in this case. There would not be a system of justice on the domestic front if we allowed people to shoot each other up while a trial was being conducted to determine whether the shooting of A by B was justified.

Mr. President, other arguments were made today. Several Senators think they help their case by voting for the joint resolution if they make statements in the Record such as were made today, to the effect "We want it understood that, although we are going to vote for this resolution, it is very important that we make clear to our allies that they come in under the SEATO Treaty and be of help to us."

They asked questions as to whether or not the resolution gives assurance of it. There is not a word of it in the resolution. There is not a word in the resolution that involves any commitment by anybody that there is going to be any help under the SEATO Treaty. All we say is that, because of the SEATO Treaty, we are going to do certain things.

It was said by one of my good colleagues that Great Britain was involved elsewhere, and that Pakistan and India are involved elsewhere. With hundreds of millions of dollars of American military aid under the foreign aid of past years, they are maneuvering themselves into a position where they can conduct a war against each other—with American equipment—if somebody pulls the trigger and a battle starts over Kashmir.

As I have been heard to say on the floor in recent weeks, even the foreign minister of Pakistan stood up in the Press Club in Washington, D.C., and publicly stated that they had no intention of helping us in South Vietnam. As the CONGRESSIONAL RECORD will show, I made the statement that we should make it clear that we are cutting off military assistance. That would be a good thing, anyway, from the standpoint of maintaining



... on India and Pakistan, because the world did not carry on a war very long. The United States did not continue to pour billions of dollars of the American taxpayers' money into those countries in the way of foreign aid.

We were told that Australia is stepping up its assistance and that she is going to increase the number of men she has sent there. He forgot to say that the offer of Australia was to increase the manpower contribution to the war in Vietnam from 20 to 60. Mr. President, do not think you misunderstood me. That is the figure—from 20 to 60 men.

As I said to the Secretary of State when he made the announcement some weeks ago, he insulted my intelligence and the intelligence of the American people.

There was one other condition in that great offer on the part of Australia to expand its contribution and help in South Vietnam. Perhaps, in 4 months, they may be able to have six cargo planes available.

Of course, if there is one thing we can get along without, it is cargo planes. We have our own surplus of them.

Mr. President, when we run down the list of allies, we find none of them offering to send boys to do any of the dying in South Vietnam. The dying will have to be done by American boys and South Vietnamese boys.

If any Senator or thinks he is a face saver, in connection with a vote from this joint resolution, on the basis that the resolution is going to help increase the cooperation of our allies under SEATO in the conduct of the operations in South Vietnam, I say there is not a word in the resolution that would justify any such hope or implication.

Another Senator thought, in the early part of the debate, that this course would not broaden the power of the President to engage in a land war if he decided that he wanted to apply the resolution in that way.

That Senator was taking great consolation in the then held belief that, if he voted for the resolution, it would give no authority to the President to send many troops into Asia. I am sure he was quite disappointed to finally learn, because it took a little time to get the matter cleared, that the resolution places no restriction on the President in that respect. If he is still in doubt, let him read the language on page 2, lines 3 to 6, and page 2, lines 11 to 17. The first reads:

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.

It does not say he is limited in regard to the sending of ground forces. It does not limit that authority. That is why I have called it a predated declaration of war in clear violation of article I, section 8 of the Constitution, which vests the power to declare war in the Congress, and not in the President.

What is proposed is to authorize the President of the United States, without a declaration of war, to commit acts of war.

It is not a new position for the senior Senator from Oregon. I opposed the Foran resolution in 1955. I opposed the Middle East resolution in 1957. I will say something about those resolutions in a moment.

Let us go to section 2 of the pending joint resolution. Line 3 reads:

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—

It does not say "excluding the use of the Army." It does not say "including the use only of the Navy." It does not say "including the use of the Air Force." It says, "including the use of armed force." That is all branches of the military establishment, and nuclear as well as conventional weapons.

to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Mr. President, it is as broad as the Military Establishment. A Senator cannot get any consolation out of that by hoping that, if he votes for it, the President cannot send out large numbers of ground forces.

U.S. FORCES TO BE COVERED INCLUDE THOSE IN SOUTH VIETNAM

I was very much interested in the comments of several Senators in the debate this afternoon in regard to the SEATO Treaty. I say most respectfully that the SEATO Treaty will not help any Senator, either. The resolution supports "all necessary measures to repel any armed attack against the forces of the United States."

We have forces of the United States in South Vietnam. I should like to ask the proponents of the joint resolution, before the debate is over, to tell us whether the language "all necessary measures to repel any armed attack against the forces of the United States" includes our Armed Forces in South Vietnam, which now include troops, vehicles, tanks, and aircraft. Apparently we are pouring more in. There is no question that we have more than 20,000 troops there tonight. Does this language mean an authorization to become full combatants in the civil war if there is an attack on any segment of our forces in South Vietnam?

Let us face the issue. I do not believe there is any doubt that we are being engaged, in an increasing tempo, in escalating this war into North Vietnam. I am not sure that we shall be able to stop there. We may take it into Red China before we are through. I am also satisfied that we shall become combatants along with the South Vietnamese in the civil war. That is exactly what they would like.

They have done a very poor job settling their own civil war.

Here is a country, as I stated in my speech last night, of 15 million population. Here is a country, with its armed forces of 400,000 to 450,000 men, engaged in a civil war with a group of Vietcongs—

South Vietnamese, too—of not more than 35,000. The testimony before our committee is that it is probably in the neighborhood of 25,000. Fifteen million people, with an armed force of 400,000 to 450,000 soldiers, cannot bring under subjugation a dissident group of 25,000 or 35,000 people, in spite of the fact that the American taxpayer has poured \$3½ billion into South Vietnam. Whom do they think they are fooling? They will not fool the American people indefinitely.

The French Government tried that. For 8 long bloody years they did a pretty good job of fooling the French people. But after 240,000 casualties, including 90,000 killed, and thousands upon thousands badly wounded, the French people pulled down the government. They said, "We have had enough. We are not going to sacrifice any more French manhood."

Unpopular as it is, I am perfectly willing to make the statement for history that if we follow a course of action that bogs down thousands of American boys in Asia, the administration responsible for it will be rejected and repudiated by the American people. It should be.

Mr. President, this problem in Asia cannot be settled by war. The problem in Asia requires a political and economic settlement. It requires a negotiated settlement. It requires a conference table settlement. It requires the application of reason, not bullets.

I cannot understand what is happening to my country. I cannot understand what makes people think that way. There are not many at the grassroots of America who think that way. People in positions in Government think that we can entrench ourselves as a military power in Asia and bring about a peaceful solution of the problem. The result will be that the yellow race will hate us more than it hates us already. If the yellow race has not made clear to the white man that Asia is not his fort, I do not know what the white man has to learn by way of an additional lesson.

The place to settle this controversy is not by way of the proposed predated declaration of war, giving to the President the power to make war without a declaration of war. The place to settle it is around the conference tables, the only hope mankind has for peace; namely, the United Nations.

With all its shortcomings, if we destroy it—and we would destroy it with a war—not much hope will be left.

NO LIMITS ON WORDS "FURTHER AGGRESSION"

Before the debate is over tomorrow I should like to have the proponents of the resolution comment on the fact that the resolution continues with the words "and to prevent further aggression."

I should like to have the proponents spell that out. Further aggression against whom? Further aggression by whom?

I should like to have them spell out the provisions of the SEATO Treaty and the United Nations Charter with which our actions are consonant. If we are engaged in helping South Vietnam repel an armed attack, we are obliged under the SEATO Treaty and under article 51

U.N. Charter to report it to the Security Council. We have not done that in 10 years.

Some of my colleagues in the Senate have been calling the United States a provocateur. Our constant, repetitious violation of our treaty obligations under the U.N. Charter, which I set out by documentation yesterday in my speech on the floor of the Senate, is clear provocation. We have said to our potential enemies, "We are going to do what we want to do and you can like it or not." It's many weeks ago Adlai Stevenson let his lips in the Security Council sag, in effect—in my judgment to his historic discredit, and it would have been better if he had resigned as representative of the United States at the United Nations that the United States was going to do what it wanted to do in Asia, and they could do what they wanted.

That is not the world statesman for whom I campaigned in 1952. No, Mr. President; we are a provocateur nation. We have provoked trouble because we have not even kept our commitments, under the U.N. Charter or article 51 of the Charter. In the U.N. Charter, by carrying out the requirements of the reports that we are pledged to make, and by placing the issue before the U.N.

Yet we are saying to the world, "All we want is peace." Our Secretary of State says that we will have peace if the countries of North and South Vietnam do exactly what we want them to do. In essence, that is what the position of the Secretary of State adds up to. There would not be lawsuits, either, if one of the parties would do what the other wanted him to do. That is what the controversy is all about.

**BEST OBLIGATION IS TO FOLLOW U.N. CHARTER**

I do not agree with the North Vietnamese. I do not agree with the Vietcong. But we must face up to the fact that they, too, have their international rights; and the place to settle the controversy over international rights and obligations in this modern day is not on a battlefield, but around the conference table, where the procedures or authorities that set forth the rules of international adjudication will prevail.

The great Senator from Alaska (Mr. GAVENRICK) in his speech this afternoon, pointed out the important article of the United Nations Charter that places upon every signatory thereto the obligation, first—that is spelled "f-i-r-s-t"—to seek to resolve disputes by way of adjudication or mediation or arbitration or conciliation or negotiation. In that great speech, the Senator from Alaska cited the disputes, and then, in one rhetorical question after another, asked: Have we taken it to arbitration? Have we taken it to conciliation? Have we taken it to mediation? Have we taken it to nego-

tiation? Have we taken it to conference? The answer is that the United States has a grade of zero on that examination. We have flunked the course.

To Senators who object to my suggesting that the United States is a provocateur nation, I say we have a dismal record—so dismal that it spells out the word "provocateur." I listened to a couple of my colleagues on television last night. They had heard the senior Senator from Oregon charge that we are a provocateur nation. So I was all ears. I thought I was going to hear the case that we are not. But there was no case.

It is so easy to say that these things should not be said; that they create disunity and misunderstanding. So long as there is any hope to win a peace and stop a war, the senior Senator from Oregon will state the facts as he honestly believes them to be. When those facts involve misdoings of my own country, it is all the more important that they be stated.

Mr. President, we have a great historic opportunity to strengthen the cause of the rule of law in the world. But we cannot strengthen it and make war at the same time.

The Senator from Alaska (Mr. GAVENRICK) said again today, as he said a few weeks ago, that what is needed is an agreement to enter into a cease-fire order. Why have we not proposed it? That is the kind of speech Adlai Stevenson should be making at the United Nations. I am greatly disappointed that the other signatories to the United Nations Charter have not been proposing it.

Are we so powerful that they dare not bring up a case to which we are party without our consent? I am exceedingly disappointed that North Vietnam, South Vietnam, the Pathet Lao, the United States, and Red China have not had the rules applied to them in connection with the war in southeast Asia, because that war cannot be reconciled with the United Nations Charter and the obligations in respect thereto by the signatories thereof.

But, say Senators, Red China is not a member of the United Nations. Red China does not have to be a member of the United Nations for the signatories thereto to take jurisdiction over a threat to the peace of the world. Where do Senators get the idea that the United Nations does not go into action unless all the countries involved in a threat to the peace of the world are members of the United Nations? Senators should re-read the Charter of the United Nations. I have read it for the benefit of the Senate. It has occurred time and time again during the last 5 months.

I say with great sadness in my heart that many of the signatories to the United Charter have failed mankind by not having brought before the United Nations this threat to the peace of the world in Asia, in all of its aspects.

Some Senators said to me today, "What is the matter with you, WAYNE? Don't you know that we now have this situation in Tonkin Bay before the Security Council?"

Certainly. We had another one before the Security Council a while back, when the little prince in Cambodia kicked us out of Cambodia, and said, "We have had enough of you. Get out. We don't want any more of your aid." Then he filed charges against us for violating his borders, after we had been caught redhanded and had a helicopter shot down after it had dropped a fire bomb and burned a village killing 16 civilians. Unfortunately, the American boy who was flying that helicopter was sacrificed. We quickly apologized. But, as I have said, does anyone think that that apology would have been forthcoming if we had not been caught? We would not have heard about the incident. I am satisfied that that was not the only violation of Cambodia's borders by both South Vietnam and the United States. We heard about this one only because we got caught.

What about all the threats and actions and incidents that preceded that in the Gulf of Tonkin? Why have they never been submitted to the Security Council?

Here we are about to authorize the President of the United States to do whatever he wishes and use any armed force he likes, not in the Gulf of Tonkin, but anywhere in southeast Asia. But there is no "southeast Asia" question before the U.N.

Why not? If there is not a breach of the peace and a threat to international peace and security there, I do not know what is.

All of South Vietnam for the last 3 years has been a threat to the peace. Why is not that situation placed before the U.N.?

We do not get much consolation out of our sorry record of not having reported our courses of action under article 51 of the United Nations Charter. I hope some Senators tomorrow will have something to say about that. I have a long list of interesting fallacious arguments and exhibitions of wishful thinking that were expressed in the debate this afternoon; but I shall reserve them for tomorrow.

Mr. President (Mr. HART in the chair), I close by commenting only on previous resolutions passed in the Senate: Formosa, the Middle East, and Vietnam.

I ask unanimous consent to have printed in the Record in parallel column form, as shown in the paper which I hold in my hand, a comparison of those resolutions.

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





Vietnam

Whereas several units of the Communist regime in Vietnam in violation of the Charter of the United Nations and international law, have deliberately and repeatedly attacked United States military and air forces present in that area, and have thereby created a serious threat to international peace;

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;

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 they 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.*

Cuba

Whereas President John F. Kennedy, announcing the Message to Congress, declared that the United States will "consider any attempt on the part of European powers 'to extend such systems of domination of this hemisphere as a serious peace and safety'; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any state against an American state shall be considered as an attack against all the American states, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from contracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union; and

Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—*

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and



Formosa

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

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

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

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

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

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

Middle East

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be and hereby is authorized to cooperate with and assist any nation or group of nations in the general area of the Middle East desiring such assistance in the development of economic strength dedicated to the maintenance of national independence.*

1084

CONGRESSIONAL RECORD — SENATE

17815



continued

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. Consistent 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 protocol or member state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress, except that it may be terminated earlier by a concurrent resolution of the two Houses.

CUBA--continued

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

continued

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

MIDDLE EAST--continued

Sec. 2. The President is authorized to undertake in the general area of the Middle East, military assistance programs with any nation or group of nations of that area desiring such assistance. Furthermore, the United States regards as vital to the national interest and world peace and 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 nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism: *Provided*, That such employment shall be consonant with the treaty obligations of the United States and with the Constitution of the United States.

This joint resolution shall expire when the President shall determine that the peace and security of the nations in the general area of the Middle East are reasonably assured by international conditions created by action of the United Nations or otherwise except that it may be terminated earlier by a concurrent resolution of the two Houses of Congress.

Mr. President, in connection with these resolutions, several times this afternoon, that the Senate was not asking for any more. The resolution now before the Senate has already been asked for in the past, as though that were a sound argument. What has that to do with whether or not we pass the pending joint resolution? If we made mistakes in the past—as we have done, in my judgment—we should not make another one now.

I did not make those mistakes. With that great liberal, the former Senator from New York, Herbert Lehman, who in my 20 years of service in the Senate has had no peer, I joined in 1955 in opposition to the Formosa resolution. At that time, I pointed out, as I have done in the course of this debate, that it, too, was a preventive war resolution. By a preventive war resolution at that time, we meant that it was a resolution that, first, sought to give the Secretary of State and the Chairman of the Joint Chiefs of Staff the authority to make a strike against the mainland of China before an act of aggression had been committed by China against the United States.

As a result of the argument in committee over that statement, Mr. President, the Senate will remember that we received the famous Eisenhower White House statement, in the course of that debate, to the effect that the President, and he alone, would make the decision as to what course of action would be allowed under the resolution.

I stated that that was not good enough for me. I do not intend to give to any President the power to make war by way of a predated declaration of war. I argued then, as I have argued in this historic debate, that the power to make war is vested in the Congress and not in the President. I voted against it.

With reference to the Formosa resolution there was a reference to the President, and I quote from it:

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

The same principle is embodied in the pending joint resolution.

The Middle East resolution was another predated or undated declaration of war resolution, giving to President Eisenhower predated declaration of war power in the Middle East. That will be found in the Middle East resolution:

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 nation or group of such nations requesting assistance against aggression from any country controlled by international communists.

Clear authorization of what I stated at the time, and repeat tonight, was an unconstitutional power to be vested in the President of the United States.

CUBAN RESOLUTION DELEGATES NO POWER TO PRESIDENT

Now we come to the Cuban resolution. The interesting thing is that the Cuban resolution was not a resolution designed to vest any power in the President. That fact has been lost sight of in debate this afternoon. Senators have stated that we did this in the Cuban resolution. The answer is that we did not.

I voted for the Cuban resolution. I voted for the Cuban resolution, because that constitutional power of Congress was not delegated to the President in that resolution.

In a statement I wrote to my constituents on October 2, 1962, discussing my vote on that Cuban resolution, I stated:

On September 21, I joined 63 other Senators in voting for the following resolution on our relations with Cuba: "The United States is determined (a) by whatever means necessary, including the use of arms, to prevent the Marxist-Leninist regime in Cuba from extending, by force or threat of force, its aggressive or subversive activities to any part of this hemisphere; (b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and (c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination."

Earlier, I had joined in signing a unanimous joint report from the Foreign Relations and Armed Services Committees, recommending adoption of this resolution. The report was made following hearings at which we heard from Secretary of State Rusk and William P. Bundy, Director of the Office of International Security Affairs of the Defense Department.

They described in some detail, in closed session, the nature and technique of the sea and air surveillance we maintain over Cuba, and over activities on this narrow island. It was from this observation that they were able to say that the military activities in Cuba are still of a defensive nature and not now an offensive threat to the United States.

The resolution, unlike the Formosa and Middle East resolutions, is not a delegation of warrmaking power to the President. It is a statement of U.S. foreign policy. It is one I heartily endorse, and one which should be read carefully and with sober consideration in both Havana and Moscow.

Mr. President, I close by reading the full language of the Cuban resolution. I have just made a distinction between the Cuban resolution, the Formosa and the Middle East resolutions—and now the southeast Asia resolution, which is as different as night from day.

The Cuban resolution provided: Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise

of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the International Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

Mr. President, there is not one word authorizing any power to be vested in the President of the United States.

Senators have forgotten the record made when we debated, in connection with the Cuban resolution, what is proposed under the southeast Asian resolution. That question was debated on the floor of the Senate.

I say with sadness, in view of the situation in the Senate tonight, that when the Cuban resolution was being considered, a substantial number of Senators served clear notice that they would not vote for it if it sought to authorize any power in the President of the United States.

Out of deep affection and great love for President Kennedy, I say that President Kennedy did not ask to have any authority authorized in that resolution as far as the Presidency was concerned. I have no quarrel with that statement of foreign policy. I would have no quarrel with that statement of foreign policy applied to southeast Asia.

Under that statement of policy, doors are left open and the obligations remain clear, to resort to the peaceful procedures set forth in the United Nations treaty, and set forth in our other treaty obligations.

I close, Mr. President, by saying, sad as I find it to be to have to say it, that in my judgment there is no course of action that I could possibly follow in keeping with my conscience and my convictions in regard to my constitutional obligation under the oath that I took four times when I came into this body, but to vote against the joint resolution tomorrow. In my judgment, this resolution, no matter what semantics are used, spells out the ugly words: "Undated declaration of war power to be vested in the President of the United States."



...the constitutional power...  
...to the President...  
...The only difficulty...  
...our constitutional system...  
...that we can get it be...  
...Court for a constitu...  
...ization.

Mr. President, I yield the floor.

**MINUTEMEN TRAFFIC IN FIREARMS**

Mr. DODD. Mr. President, I believe that the subject is important to both the Senate and the House. The only difficulty is that they will think so. I know they will, because they have spoken to me about it.

Mr. President, this morning's New York Times contains a very extensive article pointing out that 1 million mail-order guns are sold each year in the United States. These weapons are sold in this way, without the knowledge of local police authorities, to people who may be criminals, mentally deranged persons, juveniles, or racial extremists.

The number of weapons in private hands, according to the National Rifle Association, reached 1 billion rifles, pistols, and shotguns, and several billion rounds of ammunition.

Twenty-five thousand self-styled minutemen have armed themselves and formed 1 to quasi-military units, presumably to defend against a Communist invasion which they expect to come about by 1973.

The crime rate has grown as fast as the population. To a considerable extent, the burgeoning crime explosion can be attributed to the ready availability of murderous weapons, and the easiest, most secret manner of obtaining these weapons is through the mails.

Eight thousand five hundred murders were committed in the United States last year, one for every hour of the day. More than half of these murders were committed with guns and, since half of the guns sold annually are mail-order weapons, we may safely assume that a large percentage of these murders were committed with weapons obtained secretly through the mails.

The control of crime and of the use of dangerous weapons are matters, which, under our system of government, must fall most heavily upon local and State authorities. Yet, there is a considerable Federal responsibility in this area.

For years I have been trying to secure a restrained but workable law to control interstate sales of dangerous weapons through the mails. This law would simply require that purchasers of mail-order weapons must correctly identify themselves as to proper name, age, residence and the absence of a criminal record, and that local police authorities must be informed of the identity of mail-order weapons purchasers in their jurisdictions.

For many long months those who favor this proposed legislation have worked

to gain its acceptance by the responsible elements in the arms industry—arms manufacturers, arms dealers, law enforcement people, and sportsmen's groups, such as the National Rifle Association. In this we were successful.

Then we launched a vigorous effort to gain public acceptance of this proposed legislation. I have thousands of letters and hundreds of newspaper editorials, many of which I have inserted in the Record from time to time, attesting to the success of this effort.

For additional long months, we struggled to get a favorable report for this proposed legislation from the Juvenile Delinquency Subcommittee, and from the parent Judiciary Committee. In this we were successful.

And there was a long effort to win support and clearance by the various departments of the executive branch. In this we were also successful.

All of these years of effort seem now about to go down the drain despite the crime explosion, despite the assassination of President Kennedy with a mail-order weapon, despite the large shipments of these weapons into areas of racial unrest, despite the fantastic growth of private arsenals, and the forming of armed vigilante groups all across the Nation.

The effort is going down the drain because, with the Congress close to adjournment, it is still awaiting action in the Senate Commerce Committee. A number of hearings have been held on this bill by the Commerce Committee, and I have testified at two of them.

I know personally that a number of committee members favor the bill. Yet, despite the fact that every precedential requirement has been met, that every preliminary legislative hurdle has been overcome, we cannot get action on the key step, the voting on this bill, either up or down, by the full committee.

What seems to be influencing some members of the committee to withhold action on this bill are the protests of people who are either misinformed or bamboozled.

Mr. LAUSCHIE. Mr. President, will the Senator from Connecticut yield at that point?

Mr. DODD. I am glad to yield.  
Mr. LAUSCHIE. I do not wish my silence in the Chamber while this statement is being made to be construed that I am one who is trying to stop the Senator's proposal. I am a member of the Commerce Committee. I believe implicitly in the soundness of what the Senator is trying to do. At the last meeting of the executive committee, I urged that the Senator's bill be sent to the floor for either approval or disapproval.

Mr. DODD. I am very happy that the great Senator from Ohio has made that statement, because I should have made it. He has been one of the great, strong arms that I have had associated with me in this effort. I am happy that he reminds me of his support. I have also been supported by many other Senators.

Mr. President, in most cases the misinformed protesters against this bill have been misled by those who have financial interests in gunrunning, and by those who have suspect motives which are cloaked under the false cover of anti-communism, or patriotism, or constitutional liberties.

I am convinced that this opposition does not come from responsible sportsmen's groups.

I know this because we worked with the leadership of the National Rifle Association in devising this legislation, and this leadership has testified in behalf of the bill.

The protests have come from the crackpot element, the vigilante groups, and those who have been misinformed about the bill and have not taken the trouble to read it.

No responsible weapons purchaser would be interfered with by this bill any more than he would be if he went down to the local gun store in most of the communities in this country.

I have done all that I can.

I have appealed again and again to the membership of the Commerce Committee, both to the committee as a whole and to the individual members. I know it is not the intention of this committee to delay action on this bill. Many of the members of the committee, including the chairman, the Senator from Washington [Mr. MICHENER], and the Senator from Nevada [Mr. CANNON] have gone out of their way to be courteous and considerate in dealing with my request for action on this bill. I know, that like all of our committees, the Commerce Committee is beset with a variety of problems, and that there is not enough time to deal with all of them. I am merely doing my best to see that this vital legislation gets as much of the time of the Commerce Committee as it is possible for the committee to grant. Time is running out and my only recourse is to make this one last appeal.

During this very hour in which I speak, someone, somewhere in this country is being murdered, and every hour of the day there will be another murder. Several of the murders committed today will be committed with mail-order weapons placed in the hands of unstable people, who obtained them in secrecy without the knowledge of local authorities; and, in most cases, in violation of local and State law.

All I ask is that we in the Senate carry out our responsibility for the Federal aspect of this problem by requiring that the full identity of mail-order purchasers of dangerous weapons be known, and that those who are obviously unfit to possess weapons because of age or previous criminal record, or local law, be prohibited from doing so.

I urge my colleagues to help me in getting Senate action on this bill.

Mr. President, I ask unanimous consent to have printed in the Record this morning's article published in the New York Times entitled "Minutemen Help Spur the Growth of Gun Clubs."



3r

**J**

AUGUST 10, 1964

35

## OFFICE OF THE WHITE HOUSE PRESS SECRETARY

## THE WHITE HOUSE

REMARKS OF THE PRESIDENT  
UPON THE SIGNING OF H. J. 1145  
JOINT RESOLUTION  
TO PRO OTE THE MAINTENANCE OF  
INTERNATIONAL PEACE AND SECURITY IN SOUTHEAST ASIA  
IN THE EAST ROOM

[As Actually Delivered]

My Fellow Americans, one week ago, half a world away, our Nation was faced by the challenge of deliberate and unprovoked acts of aggression in Southeast Asia.

The cause of peace clearly required that we respond with a prompt and unmistakable reply.

As Commander-in-Chief, the responsibility was mine -- and mine alone. I gave the orders for that reply, and it has been given.

But, as President, there rested upon me still another responsibility -- the responsibility of submitting our course to the representatives of the people, for them to verify it or veto it.

I directed that to be done last Tuesday, too.

Within 24 hours, the resolution before me now had been placed before each House of Congress. In each House, the resolution was promptly examined in committee and reported for action.

In each House, there followed free and serious debate.

In each House, the resolution was passed on Friday last -- with a total of 502 votes in support and two opposed.

Thus, today, our course is clearly known in every land.

There can be no mistake -- no miscalculation -- of where America stands or what this generation of Americans stand for.

The unanimity of the Congress reflects the unanimity of the country.

This resolution is sort. It is straightforward. I hope it will be read around the world.

The position of the United States is stated plainly. To any armed attack upon our forces, we shall reply.

To any in Southeast Asia who ask our help in defending their freedom, we shall give it.

In that region, there is nothing we covet, nothing we seek -- no territory, no military position, no political ambition.

MORE

(OVER)

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

Our one desire -- our one determination -- is that the people of Southeast Asia be left in peace to work out their own destinities in their own way.

This Resolution stands squarely within the four corners of the Constitution of the United States. It is clearly consistent with the principles and purposes of the Charter of the United Nations.

This is another new page in the outstanding record of accomplishment the Eighty-eighth Congress is writing.

Americans of all parties and philosophies can be justly proud -- and justly grateful. Proud that democracy has once again demonstrated its capacity to act swiftly and decisively against aggressors. Grateful that there is in our national government understanding, accord and unity between the Executive and the Legislative branches -- without regard to partisanship.

This is a great strength that we must preserve.

This Resolution confirms and reinforces powers of the Presidency. I pledge to all Americans to use those powers with all the wisdom and judgment God grants to me.

It is everlastingly right that we should be resolute in reply to aggression and steadfast in support of our friends.

But it is everlastingly necessary that our actions should be careful and measured.

We are the most powerful of all nations -- we must strive also to be the most responsible of nations.

So, in this spirit, and with this pledge, I now sign this Resolution.

E N D



NOTES TAKEN AT LEADERSHIP MEETING ON AUGUST 4, 1964  
(McNamara's and Rusk's statements not included)

The meeting opened with the President stressing the secrecy of the meeting and pointing out that the tickers already had about the meeting. The President said: "The facts we would like to present to you are to be held in the closest confidence and are to be kept in this room until announced."

Halleck: "I did not tell a damn person."

President: "I know no one did, but it is on both tickers anyway. We have to be very careful. Please don't discuss what goes on in this room."

At the President's request, Secretary McNamara gave a briefing on what was planned. The President then asked Secretary Rusk to give a report on the political situation. The President then asked Mr. McCone to give his estimate of any enemy action that might be expected--what response there might be.

On being questioned by Senator Russell, General Wheeler discussed the type of anti-aircraft installations that were in the area. After some discussion with Fulbright, Aiken, and Hickenlooper, Mansfield read a paper expressing general opposition. Then Hickenlooper and Rusk had a discussion comparing this situation with the Cuban situation. Following some conversation with Secretary Rusk by Mrs. Bolton and Senator Saltonstall, Senator Aiken asked for Mr. McCone to give information on the provocation, if any. Mr. McCone explained the activity in the area prior to the attack. The President then asked General Wheeler to report on the recommendations of General Taylor in Viet Nam.

Senator Russell! "Are we sure that we have enough stuff to do this job. We do not want to do it half way."

Secretary McNamara: "We have issued orders for only a single night's action. These orders are already in being."

Senator Russell: "I notice you do not mention the submarine. Does anybody know what kind of anti-sub warfare is in that area?"

The submarine can come nearer disguising itself."

Hickenlooper: "Do I understand the reasoning behind your analysis on one phase is that if we do not do something here then the Communist forces will be in a position to deal from strength in any proposed settlement. If we do react, it may put us in a position to deal from strength."

Russell: "That is part of the problem. I notice in the papers that they came to the wrong conclusion about what we are willing to do. Much more serious."

Fulbright: "Are they expected to enlarge these projections?"

Rusk: "Maybe you have seen some of the broadcasts. They are highly inaccurate. Have not talked about what did happen but about what did not happen."

Fulbright: "What bases do you propose to destroy? Haifong?"

McNamara: "No, we are not destroying anything in the Haifong area."

Aiken: "You spoke of airplanes. Do we conclude they are airplanes. Viet Nam has no combat aircraft. Communist China will move combat aircraft in."

Russell: "There are some Chinese Communists perhaps in a nearby area."

McNamara: "There are four bases in North Vietnam."

Russell: "How many sorties are planned. Will the attack be in daylight over there?"

McNamara: "Our attacks will be in daylight hours."

Senator Russell expressed the hope that they would keep going until they get the last one of the bases.

Saltonstall: "Just asked the Secretary to show me that paragraph again. Doesn't ask any other nations to join with us at all. We would have to go alone. Other nations could say - go to it."

Saltonstall expressed agreement that we had no choice after we had been attacked twice.

President: "We thought there were two decisions to take. After we were attacked yesterday and today and nine torpedoes were shot at our destroyers forty miles on the high seas we had to answer the attack. There are four bases where they use these boats. There is a relatively small civilian population around them. We can tuck our tails and run, but if we do these countries will feel all they have to do to scare us is to shoot the American flag. The question is how do we retaliate. We have worked out this plan on these four bases. There have been many discussions and recommendations by people in the country that we go into this the northern area and not allow them to murder us from bases of safety. These boats came from these bases and have been shooting the American ships.

"I think I know what the reaction would be if we tucked our tails. I thought I should get the Security Council and get the leadership and after the orders are executed I would plan to make a statement something like this." The President then read the proposed statement.

Saltonstall: "Three times in that little statement you used the word 'limited.' Why not use the word 'determined' and let the limitation speak for itself.

President: "We want them to know we are not going to take it lying down but we are not going to destroy their cities and we hope we can prepare them for the course we will follow."

Saltonstall: "I agree with what you are doing. If you put it in, someone will pick it up."

Mrs. Bolton: "I would do it. Keep them a little bit in the dark on what we will do."

Secretary Rusk: "I think there is some advantage in not leaving in doubt that we are not doing this as a pretext for a larger war. I think the time factors involved are important. We have not had a chance to discuss this with all the Governments that will have to be consulted."

Hickenlooper: "I agree that the word 'limited' should not be used three times."

The President then suggested a change in the word saying "our responses for the moment will be limited."



Fulbright: "How the Secretary has made the projection is important. Could go on for several days. Think you should leave it in for the moment."

Dirksen: "If I had it to do I would put our references to the word 'limited' in deep freeze. It connotes we would be like sitting ducks. We should make it clear we would meet every enemy threat."

Senator Dirksen then pointed out that the newspaper people knew about the meeting just as soon or before he did. Secretary McNamara pointed out the importance of keeping security because the northern Viet Nameese could use the boats and their 'defenses' could be alerted.

Halleck: "If we are going to have it, it has to be overwhelming." He indicated a desire to hear from the Speaker and the Majority Leader. There was then a discussion of Korea where there was no resolution and Formosa and the Middle East where there were resolutions.

Hickenlooper: "It seems to me there should be no doubt as to whether the President should have the right to order the armed forces into action. It is my own personal feeling that it is up to the President to prepare the kind and type of resolution he believes would be proper. It is up to Congress to see whether they will pass it or not. I have no doubt in my mind that concrete action would be taken."

President: "I had that feeling but felt I wanted the advice of each of you and wanted to consult with you. We felt we should move with the action recommended by the Joint Chiefs, but I wanted to get the Congressional concurrence. I think it would be very damaging to ask for it and not get it."

President: "We will probably make some changes in it. I don't ask you to draft the message. We have taken the resolutions you have had in the past. I don't think any resolution is necessary, but I think it is a lot better to have it in the light of what we did in Korea."

The Speaker: "I think Congress has a responsibility and should show a united front to the world."

Halleck: "The President knows there is no partisanship among us. Are we getting fouled up here on something we could put off? There was never any hesitation when we had the deal about Cuba. I was the first to speak up and say Mr. President, count me in."

President: "We can pretty well work out a good resolution with a minimum of doctoring. I wanted to see if you felt it was the wise thing to do."

Hickenlooper: "I think the resolution is appropriate and proper, but I doubt you should mention the resolution in your remarks this evening."

President: "I did not plan to mention it. I have told you what I want from you."

The President then went around the table to each person and made an expression of support one way or another.

Saltonstall: "I hope you can make the UN a little more effective."

Russell: "I share that hope."

Halleck: "I think it will be passed overwhelmingly. As far as I am concerned, I have made my position clear here and in all cases."

Fulbright: "I will support it."

Aiken: "By the time you send it up there won't be anything for us to do but support you."

MEMORANDUM

3-u

THE WHITE HOUSE  
WASHINGTON

August 24, 1964

MEMORANDUM FOR

MR. JENKINS

Your summary of the Leadership meeting of August 4 gives me everything I need, and it bears out the recollection of others present. I am sure that on this basis we can deal with Halleck sharply as and when we need to.

Many thanks.

McG. B.



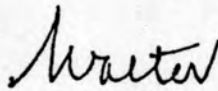
3-V

THE WHITE HOUSE  
WASHINGTON

August 21, 1964

Mac:

If you want me to, I will dictate all of the notes. I only put excerpts of the people that you mentioned, but I cannot find anything that remotely bears out the charge that was made. This particular subject was gone in more fully at the Security Council than at the leadership meeting.



Walter

~~TOP SECRET~~

3W

SUMMARY OF LEADERSHIP MEETING AUGUST 4, 1964

The meeting opened with the President complaining about reports on the tickers about the meeting being held and stating that "the facts we would like to present to you are to be held in the closest confidence and are to be kept in this room until announced." Halleck said: "I did not tell a damn person." The President said: "I know no one did, but it is on both tickers anyway. We have to be very careful. Please don't discuss what goes on in this room."

Then at the President's request, Secretary McNamara gave a briefing on what was planned. The President then asked Secretary Rusk to give a report on the political situation. The President then asked Mr. McCone to give his estimate of any enemy action that might be expected--what response there might be.

On being questioned by Senator Russell, General Wheeler discussed the type of anti-aircraft installations that were in the area. After some discussion with Fulbright, Aiken, and Hickenlooper Mansfield read a paper expressing general opposition. Then Hickenlooper and Rusk had a discussion comparing this situation with the Cuban situation. Following some conversation with Secretary Rusk by Mrs. Bolton and Senator Saltonstall, Senator Aiken asked for Mr. McCone to give information on the provocation, if any. McCone explained the activity in the area prior to the attack. The President then asked General Wheeler to report on the recommendations of General Taylor in Viet Nam. Senator Russell then asked if we were sure "that we had enough stuff to do this job" and commented he did not want to do it half way. McNamara reiterated the extent of the equipment in the area.

Senator Russell then asked how many sorties were planned and Secretary McNamara then said: "We have issued orders for only a single night's action. These orders are already in being. Russell asked if the attack would be in daylight over there and McNamara replied: "our attacks will be in daylight hours."

DECLASSIFIED	
State 7-7-B-MCC3-1-19	OSD 3-3-77
By DCW	NARS, Date 9-23-85

~~TOP SECRET~~

~~TOP SECRET~~

Senator Russell expressed the hope that they would keep going until they get the last one of the bases. Saltonstall expressed agreement that we had no choice after we had been attacked twice. The President then said as follows:

"We thought there were two decisions to take. After we were attacked yesterday and today and nine torpedoes were shot at our destroyers forty miles on the high seas we had to answer that attack. There are four bases where they use these boats. There is a relatively small civilian population around them. We can tuck our tails and run, but if we do these countries will feel all they have to do to scare us is to shoot the American flag. The question is how do we retaliate. We have worked out this plan on these four bases. There have been many discussions and recommendations by people in the country that we go into this the northern area and not allow them to murder us from bases of safety. These boats came from these bases and have been shooting the American ships.

"I think I know what the reaction would be if we tucked our tails. I thought I should get the Security Council and get the leadership and after the orders are executed I would plan to make a statement something like this." The President then read the proposed statement. Senator Saltonstall pointed out that the word "limited" was used three times in the statement and suggested that the word "determined" be substituted for it and let the limitations speak for themselves. The President said: "We want them to know we are not going to take it lying down but we are not going to destroy their cities and we hope we can prepare them for the course we ~~want~~ followed."

~~WILL~~

Saltonstall said: "I agree with what you are doing." Mrs. Bolton said: "I would do it. Keep them a little bit in the dark on what we will do." Secretary Rusk said: "I think there is some advantage in not leaving in doubt that we are not doing this as a pretext for a larger war. I think the time factors involved are important. We have not had a chance to discuss this with all the Governments that will have to be consulted."

Senator Hickenlooper said: "I agree that the word 'limited' should not be used three times." The President then suggested a change in the word saying "our responses for the moment will be limited." Senator Dirksen said: "If I had it to do I would put our references to the word 'limited' in deep freeze. It connotes we would be like sitting ducks. We should make it clear we would meet every enemy threat."



~~TOP SECRET~~

Senator Dirksen then pointed out that the newspaper people knew about the meeting just as soon or before he did. Secretary McNamara pointed out the importance of keeping security because the northern Viet Nameese could use the boats and their 'defenses' could be alerted."

Congressman Halleck then said: "If we are going to have it, it has to be overwhelming." He indicated a desire to hear from the Speaker and the Majority Leader. There was then a discussion of Korea where there was no resolution and Formosa and the Middle East where there were resolutions. Senator Hicken looper said "It seems to me there should be no doubt as to whether the President should have the right to order the armed forces into action. It is my own personal feeling that it is up to the President to prepare the kind and type of resolution he believes would be proper. It is up to Congress to see whether they will pass it or not. I have no doubt in my mind that concrete action would be taken."

The President said: "I had that feeling but felt I wanted the advice of each of you and wanted to consult with you. We felt we should move with the action recommended by the Joint Chiefs, but I wanted to get the Congressional concurrence. I think it would be very damaging to ask for it and not get it."

The President then said: "We will probably make some changes in it. I don't ask you to draft the message. We have taken the resolutions you have had in the past. I don't think any resolution is necessary, but I think it is a lot better to have it in the light of what we did in Korea.

The Speaker said: "I think Congress has a responsibility and should show a united front to the world." Halleck said: "The President knows there is no partisanship among us. Are we getting fouled up here on something we could put off? There was never any hesitation when we had the deal about Cuba. I was the first to speak up and say Mr. President count me in."

The President said: "We can pretty well work out a good resolution with a minimum of doctrine. I wanted to see if you felt it was/wise thing to do."

Hickenlooper said: "I think the resolution is appropriate and proper, but I doubt you should mention the resolution in your remarks this evening."

~~TOP SECRET~~

(4)

The President said: "I did not plan to mention it."  
The President then said "I have told you what I want from you."  
He then went around the table to each person and made  
an expression of support one way or another.

Saltonstall and Russell expressed the hope that  
the President could make the United Nations more effective  
in fields like this. Halleck said: "I think it will be passed  
overwhelmingly. As far as I am concerned I have made my  
position clear here and in all other cases. Aiken said: "By  
the time you send it up there won't be anything for us to do  
but support you."

~~TOP SECRET~~

See Page 6

3 x

NEWS CONFERENCE

OF

HONORABLE ROBERT S. McNAMARA  
SECRETARY OF DEFENSE

\* \* \* \* \*

THE PENTAGON

\* \* \* \* \*

WEDNESDAY, AUGUST 5, 1964

12:02 A.M.

SECRETARY McNAMARA: Earlier tonight the President told the nation the United States would take appropriate action to respond to the unprovoked attacks on U S naval vessels by torpedo boats of North Vietnam. I can tell you that some of that action has already taken place. U S naval aircraft from the carriers TICONDEROGA and CONSTELLATION, these carriers operating in the Gulf of Tonkin where our destroyers had undergone two deliberate attacks in international waters, have already conducted air strikes against the North Vietnamese bases from which these PT boats have operated. Our naval aircraft have also conducted strikes against certain other targets which have directly supported the operation of the PT boats. Furthermore, in view of the unprovoked attacks, the deliberate attacks in international waters on U S naval forces, the United States has taken the precaution of moving substantial military reinforcements to Southeast Asia from our Pacific bases.

In addition we are also sending reinforcements to the Western Pacific from bases in the United States. I think you can understand it is not wise at the present time for me to identify these forces or to list the detailed strength of these movements, but I can assure you that the movements are appropriate to the provocation.

Now I would like to review briefly in chronological order of the unprovoked attacks which took place today, August 4th, on our vessels operating in international waters in the Gulf of Tonkin.

You will recall that the destroyer MADDOX operating in those waters on Sunday, was attacked by three PT boats. The President instructed us to add the destroyer TURNER JOY to the patrol being carried out by the MADDOX, and since that time the two vessels have operated on patrol in those waters. You'll see their course on this map.

Here is the southern portion of China, the coast of North Vietnam, down to the 17th parallel, below which, of course, is South Vietnam. This is Hainan Island, possessed by Communist China. The course of our destroyers is here, operating 30, 40 to 60 miles off the coast of North Vietnam in international water, moving southward.

MORE



At 7:40 P.M., August 4th, 7:40 P.M. local time, Vietnamese time, August 4th, the MADDOX at about this position (indicating) reported radar contact with unidentified surface vessels who were paralleling its course, paralleling the track of both the TURNER JOY and the MADDOX.

At 8:36 P.M., by which time it was about in this position (indicating) the MADDOX established two new radar contacts with two unidentified surface vessels and three unidentified aircraft. At this time U. S. fighter aircraft were launched from the carrier TICONDEROGA, which was also operating in the Gulf of Tonkin. These fighter aircraft were launched to rendezvous with the MADDOX and TURNER JOY, and provide air cover to them.

At 9:08, by which time the MADDOX and JOY had advanced south to approximately this point (indicating), the unidentified aircraft had disappeared from the destroyers' radar screens and the surface vessels were remaining at a distance. By that time, the aircraft from the USS TICONDEROGA had arrived over the destroyers and they commenced defensive patrol over them.

By 9:30, the destroyers were at this point (indicating) and at this time the initial attack occurred. Additional vessels had by now appeared on the MADDOX's radar screen, and these vessels were observed to close very rapidly on the destroyers at speeds in excess of 40 knots. The attacking surface vessels continued to close rapidly from both the west and the south.

By 9:52, the MADDOX and the TURNER JOY had continued south to approximately this point (indicating), and they reported they were under continuous torpedo attack and were engaged in defensive counterfire.

By 10:15 they had advanced approximately to here (indicating). They were reporting they were avoiding torpedoes and that they had sunk one of the attacking patrol craft.

At 10:42, the destroyers reported they had evaded additional torpedoes and had sunk a second of the attacking patrol craft. Other aircraft from the TICONDEROGA had arrived overhead and joined the defensive patrol.

At 10:52 the MADDOX reported the destroyers were again under attack. At midnight, by which time the vessels were in this position (indicating).

MORE

the destroyers reported they had suffered no hits, no casualties, and that the defense aircraft from the TICONDEROGA were illuminating the area and attacking the enemy surface craft.

At 12:32, at which time they were at this point (indicating) the patrol reported that an additional enemy craft was believed to have been sunk, and that low ceilings, poor weather, was beginning to hamper the aircraft operations.

At 12:54, the TURNER JOY, one of the two destroyers, reported that during the engagement, in addition to the torpedo attacks, the destroyer had been fired upon by automatic weapons while being illuminated by search lights.

At 1:30 a.m., by which time the destroyers were in this position (indicating) they reported the attacking craft had apparently broken off the engagement. The MADDOX and TURNER JOY were directed to resume their normal and routine patrol operations, and they are continuing them at the present time.

Now, I will endeavor to answer your questions.

QUESTION: Sir, was there anything else ever seen or heard from the unidentified aircraft?

SECRETARY MC NAMARA: No. The unidentified aircraft did not participate in the attack and at this moment, we have no further information regarding them.

QUESTION: In which direction did they disappear?

SECRETARY MC NAMARA: I can't tell you. There was no further information on them.

QUESTION: Can you name the bases in North Viet Nam that were attacked?

SECRETARY MC NAMARA: No. I cannot.

QUESTION: Will you name them before the Communists do?

SECRETARY MC NAMARA: We will name them at a time appropriate to the safety of our forces. It would be inappropriate to name them at this time. The attack is continuing at present.

QUESTION: Can you tell us how many bases?

SECRETARY MC NAMARA: No. Until such time as the attack is completed, it would be unwise to comment further or to identify the areas being attacked.

QUESTION: Can you tell us if the attack is currently underway?

SECRETARY MC NAMARA: It is currently underway.

QUESTION: You made a distinction between North Viet Nam and certain other support facilities?

SECRETARY MC NAMARA: I simply wanted to distinguish between patrol craft bases themselves and certain supporting installations which might be separated geographically from the mooring points of the craft but in North Viet Nam.

QUESTION: There is no question that we attacked any other place but North Viet Nam?

SECRETARY MC NAMARA: None whatsoever.

QUESTION: Can you say if we are attacking Hanoi?

SECRETARY MC NAMARA: We are not attacking Hanoi. We are attacking only the patrol craft bases and certain associated logistical facilities.

QUESTION: In that area?

SECRETARY MC NAMARA: Not in the area of Hanoi. But in North Viet Nam.

QUESTION: The same area as the patrol craft?

SECRETARY MC NAMARA: In the same area as the patrol craft are moored but separated physically from the mooring point.

QUESTION: Mr. Secretary, can you tell us when the attack has been completed, what orders the entire group has in this area?

SECRETARY MC NAMARA: We will only be able to tell you such information as will not reveal future plans or in any way jeopardize our future operations.

QUESTION: What I mean is, will they go back to the standing orders which they had?

SECRETARY MC NAMARA: It will depend on circumstances at the time.

QUESTION: Mr. Secretary, has the alert status of the United States forces around the world been increased?

SECRETARY MC NAMARA: Only such units as are being alerted for reinforcing moves.

QUESTION: Has there been any long range alerts to any portion of defense industrial base at all?

SECRETARY MC NAMARA: No, none.



QUESTION: Sir, were all the attacks from the two carriers?

SECRETARY MC NAMARA: Yes. The only aircraft participating in the strikes are aircraft from the TICONDEROGA and the CONSTELLATION.

QUESTION: You, I think, said that the carriers were in the Gulf of Tonkin?

SECRETARY MC NAMARA: Yes.

QUESTION: They have moved up. They are shown as being outside.

SECRETARY MC NAMARA: The TICONDEROGA is essentially in the Gulf area and the CONSTELLATION has been moving in this direction.

QUESTION: Sir, will this be one strike or several strikes?

MORE

SECRETARY MC NAMARA: There are obviously more than one aircraft from each carrier participating in it, but it is basically one strike, unless there are further unprovoked attacks on our vessels.

QUESTION: This is just a retaliatory strike, then?

SECRETARY MC NAMARA: I simply want to leave it as I said it.

QUESTION: Can you describe the weapons or type of aircraft being used?

SECRETARY MC NAMARA: No, they are typical aircraft from attack carriers.

QUESTION: Do you know whether the strike has been successful at all?

SECRETARY MC NAMARA: I am sure it will be successful.

QUESTION: Can you tell us whether they have encountered any aircraft opposition or any interdiction by air?

SECRETARY MC NAMARA: The strikes are continuing so I can't give you any progress report on it.

QUESTION: How many aircraft are involved on our part?

SECRETARY MC NAMARA: The aircraft from two attack carriers.

QUESTION: No numbers?

SECRETARY MC NAMARA: I can't give you any more information.

QUESTION: The presumption is conventional weapons.

SECRETARY MC NAMARA: Yes. Not only presumption, but that is the fact.

QUESTION: What did CIC radar show the course of the three unidentified aircraft to be from? Hainan?

SECRETARY MC NAMARA: We don't have any report on the course of the aircraft.

QUESTION: How many casualty reports on the strikes?

SECRETARY MC NAMARA: There have been none so far. There have been no casualties so far.

QUESTION: What time was the strike launched?

SECRETARY MC NAMARA: I prefer not to give you the exact time of launch.

QUESTION: Were the aircraft from the CONSTELLATION involved in the operation of the MADDOX and JOY?

SECRETARY MC NAMARA: Yes. This is a question I should clarify for you. I may not have made it clear. The question is were aircraft from the CONSTELLATION involved in the protective cover during the attacks on the two destroyers August 4th, and the answer is yes. The CONSTELLATION and the TICONDEROGA alternated in providing air cap for the destroyers on the 4th.

QUESTION: Mr. Secretary, I am sure there is no doubt in your mind that these PT boats came from, in fact, North Vietnam?

SECRETARY MC NAMARA: There is none. The radar made it quite clear that they were coming from North Vietnamese bases.

QUESTION: Mr. Secretary, can you tell us the distance over which this engagement occurred? Is it about 60 or 65 miles?

SECRETARY MC NAMARA: These are about 60 miles square (indicating) so you can see during this period of time from 7:40 when there was an indication that an attack was imminent, until some time around midnight, to 1:30, when it terminated, they covered a distance of something on the order of 80 miles.

QUESTION: Mr. Secretary, can you give us the basic reasons for the Gulf of Tonkin patrol?

SECRETARY MC NAMARA: It is a routine patrol of the type we carry out in international waters all over the world.

QUESTION: Does it have anything to do with movements of junks or whatever it is back and forth?

SECRETARY MC NAMARA: No. It has no special relationship to any operations in that area. We are carrying routine patrols of this kind on all over the world all the time.

QUESTION: Mr. Secretary, do you have any idea why the North Vietnamese may have done this?

SECRETARY MC NAMARA: None.

QUESTION: Mr. Secretary, you mentioned that the destroyer



at one point was under attack by automatic weapons. Does that mean both destroyers, or just the MADDOX?

SECRETARY MC NAMARA: The report was, I believe, that both destroyers had been attacked by automatic weapons.

QUESTION: Mr. Secretary, have we picked up any survivors?

SECRETARY MC NAMARA: No, we have picked up no survivors on either the second or the fourth.

QUESTION: Mr. Secretary, the reinforcements moving from the Western Pacific and the Coast, are they of all services?

SECRETARY MC NAMARA: Yes.

QUESTION: Mr. Secretary, has SAC and Air Defense Command been placed on an increased alert?

SECRETARY MC NAMARA: No, it has not.

QUESTION: Mr. Secretary, can you tell us when this attack, this strike, may be over, or when we may expect further details?

SECRETARY MC NAMARA: I would think that you might expect some further details tomorrow morning.

QUESTION: Have there been any casualties, any damage, anything whatsoever with American Forces?

SECRETARY MC NAMARA: There have been no casualties to American forces, either sea or air, and no damage to American forces to date, either sea or air.

QUESTION: That includes the current air strike?

SECRETARY MC NAMARA: Yes, but as I point out, the current air strikes are not completed yet.

QUESTION: Has there been opposition?

SECRETARY MC NAMARA: I cannot report on that until we get the full mission report which we don't have at the present time.

QUESTION: What is the closest, roughly, that the attacking craft have come to the MADDOX and JOY?

SECRETARY MC NAMARA: We have had reports of torpedoes 100 and 200 yards off the beam of the ships. I can't tell you how close the attacking craft came to the vessels, although if they were

firing automatic weapons they must have been closer than 800 yards at a minimum.

QUESTION: Who opened fire first?

SECRETARY MC NAMARA: It was quite clear that the PT boats initiated the attack.

QUESTION: When was the last time that there were destroyers up there in the Tonkin Gulf?

SECRETARY MC NAMARA: I prefer not to answer the question other than to say that we have been carrying on routine patrols in that area for months.

QUESTION: How far up do you go, Mr. Secretary, before they turn back?

SECRETARY MC NAMARA: I prefer not to answer that, either. We don't wish to identify the course of our operations in the area.

QUESTION: Can you tell us what order the strike aircraft have, if they encounter interceptor aircraft in North Vietnam?

SECRETARY MC NAMARA: They are to destroy any aircraft that are in a position to attack them.

QUESTION: Do we have --

QUESTION: One the ground?

SECRETARY MC NAMARA: In the air.

QUESTION: We have troops from the Far East Asia to -- well, does that mean ground forces are being put into South Vietnam?

SECRETARY MC NAMARA: No, it means we are reinforcing our forces with such additional forces we believe to be required and have placed on alert such forces as we believe to be necessary.

I don't wish to identify the types or numbers or names or locations of those forces.

QUESTION: Can you repeat that first part about no troops in Vietnam?

SECRETARY MC NAMARA: The question was: Have additional troops been moved into North Vietnam, meaning have combat units been moved into North Vietnam -- I meant South Vietnam -- and the answer is no.

QUESTION: Are we hitting only shore installations, or do we move inland?

SECRETARY MC NAMARA: I referred to patrol craft bases and supporting logistical installations in close proximity to but geographically separate from.

QUESTION: Mr. Secretary, have there been any similar aggressive actions on the part of the North Vietnamese navy short of the torpedoing that we didn't bother to report before?

SECRETARY MC NAMARA: No.

QUESTION: This was the first time?

SECRETARY MC NAMARA: That is right. I want to emphasize that these attacks both on Sunday and today, both on the second of August and the fourth of August, occurred in international waters. These destroyers were operating between 30 and 60 miles off the North Vietnamese coast.

QUESTION: Can you tell us what towns, cities, or whatever on the Vietnamese coast are roughly closest or parallel to the area of attack?

SECRETARY MC NAMARA: No.

QUESTION: Not our attack but theirs on us.

SECRETARY MC NAMARA: No.

QUESTION: How far off was the 7:40 P.M.? Was that 60 miles?

SECRETARY MC NAMARA: These squares are 60 miles, so this point is on the order of 65 miles, perhaps. As you can see down here, it is something a little less than that.

QUESTION: Mr. Secretary, some of our readers will find it difficult to understand how the two destroyers were chased, and apparently from this maneuver they made, they ran from these PT boats and yet they were sufficiently --

SECRETARY MC NAMARA: No, this is their course of patrol (indicating).

QUESTION: While under attack?

SECRETARY MC NAMARA: Yes, they were proceeding south.



QUESTION: Once they were engaged they didn't turn?

SECRETARY MC NAMARA: No. This is the approximate direction they moved in (indicating). Of course, they were taking evasive action during that period of time to avoid the torpedoes which were launched against them.

QUESTION: But if they were sufficiently close to be illuminated by the PT boats, the question a reader will have is how come the destroyers weren't able to nullify the PT boats.

SECRETARY MC NAMARA: They did. They sunk at least two.

QUESTION: Two out of how many, sir?

SECRETARY MC NAMARA: We can't be sure. It was a night attack. We can't be certain of the total number of boats that were engaged. I will give you an estimate, just for your own information, although I can't be absolutely certain of these numbers. I would say between three and six boats were engaged in the attack, of which at least two were sunk.

MORE

QUESTION: How did you know that?

QUESTION: And in which they were engaged for a period of, I believe, two hours?

SECRETARY MC NAMARA: Yes.

QUESTION: How did you know they were sunk, those two?

QUESTION: Were these sunk by destroyer fire or aircraft fire?

SECRETARY MC NAMARA: I can't identify the source of the sinking.

QUESTION: Did you use the five inch and three inch batteries? Is that all?

SECRETARY MC NAMARA: The five inch batteries plus certain automatic weapons available on the destroyers were used.

QUESTION: Mr. Secretary, the earlier statement put out said they were believed to have been sunk. Is this later information they have been sunk?

SECRETARY MC NAMARA: It has been reported to us that they were sunk. This, let me emphasize, was a night action. You must expect certain restrictions in the amount of information available under night conditions. But the report to us from sources that we believe are reliable indicates that at least two vessels were sunk.

QUESTION: Sir, are you confident that one PT boat was sunk on Sunday?

SECRETARY MC NAMARA: Yes, that is correct.

QUESTION: But is this later information that makes it more likely that they were sunk?

SECRETARY MC NAMARA: Just five minutes before I came down, I received a report that they were sunk.

QUESTION: In other words, the later information is flat?

SECRETARY MC NAMARA: I just want to repeat what I said, that the report was that two PT boats at least were sunk, and a possible third. That is right.

QUESTION: Can you tell us at all whether any of the damage was inflicted by five inch guns?

SECRETARY MC NAMARA: No. This was night time. I can't identify the type of shell that caused the damage, or even the source of the damage as between destroyers on the one hand, and our aircraft on the other.

QUESTION: Mr. Secretary, could you give us a rundown on the remaining portion of the North Vietnamese Navy? Jane's Fighting Ships says they have a total of 16 PT boats, of which I figure you have sunk now one fifth.

SECRETARY MC NAMARA: I don't wish to give you our estimate of the number of North Vietnamese boats by type, for obvious reasons, but I will tell you there are two different types. One type we identify as the PT-4's. This is a patrol craft with a speed of approximately 50 knots. The other type we identify as the Swatow type, a patrol craft with a lesser speed, approximating 40 knots. We believe that both types of patrol craft were engaged in today's operation.

QUESTION: How do you spell Swatow?

SECRETARY MC NAMARA: S-w-a-t-o-w.

QUESTION: Mr. Secretary, approximately how many hostile torpedoes were fired at our ships?

SECRETARY MC NAMARA: It is very difficult to estimate. I don't wish to make a guess at them.

QUESTION: How many do they carry, sir?

SECRETARY MC NAMARA: I don't wish to approximate that, either.

QUESTION: Has your government been in touch during today or since Sunday with the Government of the Soviet Union on those incidents?

SECRETARY MC NAMARA: I would rather not discuss that.

QUESTION: Mr. Secretary --

SECRETARY MC NAMARA: One more question.

QUESTION: I have three sunk in my notes.

SECRETARY MC NAMARA: One sunk on Sunday, at least two sunk today, possibly a third sunk today, for a total of possibly four, as a possible.

QUESTION: And the last one is a possible.

SECRETARY MC NAMARA: The possible third one today which would make a four possible in total.

QUESTION: Did you say the nearest torpedoes were about 200 yards away?

SECRETARY MC NAMARA: Torpedoes were reported as passing between 100 and 200 yards abeam of the ships. One more question.

QUESTION: Can you set something up for tomorrow?



SECRETARY MC NAMARA: I will see that you are provided with whatever news we can properly release. I will either do it myself or arrange for others to do it.

QUESTION: How about tonight?

SECRETARY MC NAMARA: I don't believe there will be anything tonight. I will be receiving reports. I am going to stay in the building tonight and receive reports every half hour from CINCPAC. But I doubt that there will be anything to release tonight.

THE PRESS: Thank you, sir.

End--12:30 A.m.

3y

STATEMENT BY DEFENSE DEPARTMENT SPOKESMAN

Gulf of Tonkin

Any suggestion that the August 1964 attacks on U.S. destroyers in the Tonkin Gulf did not occur is contrary to the known facts.

The two attacks were made on August 2 and 4 when U.S. destroyers were on patrol in international waters. The attacks were seen, heard, and detected electronically by the crews of the ships.

During the first, daylight, attack, photos were taken of the attacking torpedo boats, and damage was done to the destroyer by machine gun bullets.

The evidence that the destroyers were attacked is conclusive. It includes:

AUGUST 2 ATTACK

- 1) Visual sighting of three torpedoe boats making daylight runs on the Destoryer MADDOX and firing at least four torpedoes.
- 2) Photographs of the attackers taken from ships and aircraft.
- 3) Damage to the MADDOX from North Vietnamese fire.

AUGUST 4 ATTACK

- 1) Radar tracks of fast, small craft parrelling and then closing in on the Destroyers MADDOX and TURNER JOY.
- 2) Numerous sonar detections of torpedoes fired at the destroyers, reported by the sonar man who manned the MADDOX'S equipment throughtout the attack.
- 3) Visual sighting by an officer and several crewmen of the WAKE of a torpedo passing near the TURNER JOY.
- 4) Visual sighting of the attacking craft lit by aircraft flares and by shells fired during the engagement.

- 5) Visual sighting of a search light beam from one of the attacking craft.
- 6) Visual sighting of anti aircraft fire directed at American planes overhead.
- 7) Visual sighting from aircraft of the WAKE of a small, fast craft near the destroyers.

Persons who have examined all of the evidence can have no doubt that the MADDOX twice and the TURNER JOY once were attacked by North Vietnamese small naval craft well in international waters and without provocation.

Dictated by phone by Miss Valenti (11-70713) 12/22/67  
taken by C. L. Horn



*action required to file*

*file*

INFORMATION

THE WHITE HOUSE  
WASHINGTON

4

Friday, March 8, 1968  
2:00 p. m.

MR. PRESIDENT:

Just to see what it looked like -- in case you might consider this as one option -- I have drafted a Southeast Asia Resolution of 1968. You may wish to discuss it at lunch -- or drop it in the wastebasket.

*W. W. Rostow*  
W. W. Rostow

Attachment

(3/8/68)

4a

SOUTHEAST ASIA RESOLUTION OF 1968

Whereas there are now major units of the Army of North Vietnam engaged in aggressive action in South Vietnam contrary to the Geneva Accords of 1954; and

Whereas there are major forces of North Vietnam engaged in aggressive action in Laos and in the transit of Laos with military men and supplies in violation of the Geneva Accords of 1962; and

Whereas the United States has joined with six nations of Asia and the Pacific to frustrate the aggression against South Vietnam and to permit the people of South Vietnam to exercise the rights of self-determination without external coercion: 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 defeat the aggression against South Vietnam and to restore peace to Vietnam and Southeast Asia at the earliest possible time, on terms consonant with our national commitments and interests.

Citing an eight-year-old recommendation that the U.S. Information Agency's activities come under independent review at least once every three years, the USIA's Advisory Commission said "it is our earnest recommendation that it be done now" and "under contract with an organization beyond the Government."

The five-man Commission, which was set up by law two decades ago as a citizen group to advise the Government on its overseas propaganda work, also suggested a Congressional check on whether the Commission itself has proved worthwhile.

The Commission, now headed by CBS President Frank Stanton, made its proposals in a 60-page annual report to Congress.

The report said that in contrast to the years just after World War II, the United States can no longer expect foreigners to accept "intact or in toto" the words Washington sends abroad about itself.

It said that in advanced areas like West Europe and Japan, the most effective way to reach people is through personal contacts which affect local communications and educational systems.

In the more backward parts of the world, it said, direct communication from the outside—such as radio broadcasting—is still effective.

In declaring "it is time to examine assumptions" about the foreign information program, the Commission tossed in some questions of its own. Among them:

"Is USIA to be but an agent of American 'propaganda'?"

"Should it be more than an arm of foreign policy?"

Should the cultural exchange program now run by the State Department be transferred to USIA or should USIA be brought under a restructured State Department?

Should those who make U.S. foreign policy be in charge of telling the world about it?

Should USIA play a role in foreign policy-making?

Other members of the advisory Commission include Sigurd S. Larmon, former board chairman and president of Young & Rubicam; radio-television consultant M. S. Novik; Palmer Hoyt, editor and publisher of the Denver Post; and Thomas Vall, editor and publisher of the Plain Dealer, Cleveland.

### THE GULF OF TONKIN INCIDENTS

Mr. FULBRIGHT, Mr. President, one reason for the detailed examination of the incidents which occurred in the Gulf of Tonkin in August of 1964 by the Committee on Foreign Relations was the opinion of a distinguished retired naval officer, Adm. Arnold E. True, that the attacks on American ships were not as the Department of Defense described them at the time. This skepticism of Admiral True was originally expressed to me in a letter of March 10, 1966, in which he asserted that the Southeast Asia resolution "was based on false premises."

The testimony of former Secretary of Defense Robert McNamara on February 20, 1968, shows that Congress was not fully informed on important aspects of these incidents when it acted on the administration's request to support increased U.S. military involvement in Vietnam.

I have recently received another letter from this distinguished admiral in which he comments on the latest testimony of Mr. McNamara. His remarks are most interesting.

Because of the great amount of public interest in this whole matter, I asked Admiral True for his permission to make

our correspondence public. He kindly agreed. Therefore, Mr. President, I ask unanimous consent that my correspondence with Admiral True, along with a brief biographical sketch, be inserted in the RECORD at this point.

Adm. Arnold E. True graduated from Annapolis in 1920, served in the Asiatic fleet for 7 years and commanded the destroyer U.S.S. *Hamman* at the Battle of Midway—it was sunk by Japanese torpedoes as it aided the stricken aircraft carrier *Yorktown*; the *Hamman* lost two-thirds of its crew, 11 of its 13 officers. True, an authority on destroyer tactics—he revised the Navy's basic manual on the subject—retired from active duty in 1946; now he runs a thousand-acre cattle ranch in La Honda, Calif., and is professor of meteorology at San Jose State College.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

MARCH 30, 1966.

Rear Adm. ARNOLD C. TRUE,  
U.S. Navy, retired,  
La Honda, Calif.

DEAR ADMIRAL TRUE: I regret the delay in answering your letter of March 20 concerning the Gulf of Tonkin incident. I appreciate your taking the trouble to let me have your comments on this incident. Coming from such an experienced person, they were of special interest.

I enclose a copy of a collection of background documents relating to the situation in Vietnam which contains a number of items from official sources relating to the incident. I believe that you will find the information you want in these materials.

With kind regards, I am

Sincerely yours,

J. W. FULBRIGHT,  
Chairman.

P.S.—I have had reservations about their story, but have no way effectively to question it.

SAN JOSE, CALIF.,  
March 18, 1966.

Hon. J. W. FULBRIGHT,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR FULBRIGHT: Thank you very much for your letter and for the copy of the Hearings on the Tonkin Gulf of Tonkin incident. I read it carefully and with great interest. I will not attempt to comment in detail as that would require a lengthy document.

Naturally I do not know the contents of the intelligence reports of "highly classified and unimpeachable nature" and after reading the report of the hearings I am still in doubt as to whether there was an attack on August 4 or not. My general impression was that the Secretary was trying desperately to make a case. I do not believe the attack, if any, was unprovoked. The North Vietnamese had good reason to believe, whether true or not, that our ships were closely associated with the South Vietnamese attacks on the islands. The Secretary repeated many times that they knew the two operations were separate based on the later testimony of a captured Vietnamese officer. Senator Morse correctly stated that this was weak evidence. In such circumstances, the prisoner was likely to say what he thought the interrogator wanted him to say.

I would put a great deal of weight on the message Captain Herrick sent three hours after the "attack," saying that it was doubtful and recommending further evaluation. The "evaluation" apparently took place in telephone conversation between Hawaii and Washington. My experience with Sonar is that at high speed on a maneuvering ship, sonar

is practically worthless. I do not doubt that the destroyer's thought at the time that an attack was being made or about to be made. The subsequent reports of "cockpit lights" silhouettes, etc. are not convincing. In cases of this sort, it is always possible to find some member of the crew who "saw" something.

I had talked at some length with a flight surgeon who was on board the *Ticonderoga* at the time and who talked with the pilots of the planes who were on the scene. He told me that the pilots reported to him that they saw nothing except one thought he saw the wake of a third ship. The doctor said that after the planes returned to the carrier, preparations were immediately started for a strike.

The flight surgeon further stated that there were many expressions of surprise among officers and crew of the *Ticonderoga* that the response seemed so much out of proportion to the alleged provocation.

You are welcome to use my letters in any way that you see fit as I have only expressed my honest opinions. Perhaps the opinions are biased somewhat by my conviction that our land war in Asia is not only unjustified but also not in the best interests of the U.S. However, I tried to read the record as a court case and from the evidence presented, I would not have found the North Vietnamese guilty of unprovoked attack on our ships.

Sincerely yours,

ARNOLD E. TRUE.

LA HONDA, CALIF.,  
March 10, 1966.

Hon. WM. FULBRIGHT,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR: The Congressional resolution giving President Johnson authority to use the armed services as he saw fit in Vietnam was based on the Tonkin Gulf incident.

In press accounts of this incident it appears that the Destroyer Maddox on the high seas was being followed by N. Vietnamese torpedo boats which also had a right to be on the high seas. These reports say that the Maddox, suspecting an attack, "fired a warning shot across their bows." Next day they are reported to have made a torpedo attack.

I commanded a destroyer, a division and a squadron during WWII. The account sounds unrealistic. (1) A DD cannot fire "across the bow" of a following ship. (2) There is no provision in international law for "firing a warning shot" at another man-of-war on the high seas. As commander of a man-of-war, I would consider any such shot as hostile and would not only be justified but required by Navy regulations to retaliate.

It seems to me that if the accounts, I read, are correct, the U.S. fired the first shot in the war with N. Vietnam and then bombed the torpedo base because they retaliated, and that the resolution was passed on false premises.

Can you tell me if this is correct?

Sincerely yours,

ARNOLD E. TRUE,  
Rear Admiral, U.S. Navy (Retired).

MARCH 1, 1968.

Rear Adm. ARNOLD C. TRUE,  
La Honda, Calif.

DEAR ADMIRAL TRUE: In view of your interest in getting to the truth about what happened in the Gulf of Tonkin incidents, I think you may want to read the enclosed record of Secretary McNamara's recent testimony before the Committee. I would, of course, welcome any comments you care to make after you have had a chance to read it.

With kind regards, I am

Sincerely yours,

J. W. FULBRIGHT.

P.S.—Your letters were one of the first items which led me to look into the Tonkin circumstances. You have been very helpful to



① 6  
FS

OFFICE OF THE SECRETARY OF DEFENSE

MEMO FOR

The President

Mr. President, attached is a copy of my statement to Fulbright on the Toakien Gulf attacks. You may be interested in glancing thru it.

Bob McN

2/19/68

3A

File Date  
20 Feb 68

STATEMENT OF SECRETARY OF DEFENSE ROBERT S. McNAMARA  
BEFORE SENATE FOREIGN RELATIONS COMMITTEE  
20 FEBRUARY 1968

6a

Mr. Chairman:

On 6 August 1964, I appeared before this Committee and testified concerning the attacks in the Tonkin Gulf on the destroyers U.S.S. MADDOX and U.S.S. TURNER JOY, and our response to those attacks.

Over three and one-half years have passed since that time. However, even with the advantage of hindsight, I find that the essential facts of the two attacks appear today as they did then, when they were fully explored with this Committee and other members of the Congress.

The relevant events, and their significance, were the subject of intensive debate in the House and Senate. Both my testimony and that of other officials of the Government reported the evidence that established conclusively the occurrence of these attacks on US naval vessels operating in international waters. This evidence was available to us at the time of the decision to make a carefully tailored response to the attacks. In my testimony, I noted that, while sonar and radar readings may be subject to interpretation and argument because of sea and atmospheric conditions, we had intelligence reports of a highly classified and unimpeachable nature which established, without question, that the attacks took place on both August 2nd and August 4th.

Also fully explored at the time was the question whether the attacks on the MADDOX and TURNER JOY were in any way provoked by or

related to certain South Vietnamese naval activity which occurred in the period from July 30th to August 4th. As I stated then, and repeat now, our naval vessels played absolutely no part in and were not associated with this activity. There was then, and there is now, no question but that the United States Government knew, and that I knew personally, the general nature of some countermeasures being taken by the South Vietnamese in response to North Vietnam's aggression. As I informed Congress, the boats utilized by the South Vietnamese were financed by the United States. But I said then, and I repeat today, that the MADDOX and the TURNER JOY did not participate in the South Vietnamese activities, that they had no knowledge of the details of these operations and that in no sense of the word could they be considered to have back-stopped the effort.

As the Chairman noted in the Senate debates, he was informed that "our boats did not convoy or support or back up any South Vietnamese naval vessels" and that they were "entirely unconnected or unassociated with any coastal forays the South Vietnamese themselves may have conducted." He was so informed and the information was completely accurate. When the South Vietnamese conducted the first of their two naval operations against North Vietnamese targets during this period, the MADDOX patrol had not even begun and the ship was at least 130 miles to the south east. The attack on the MADDOX on August 2nd took place 63 hours after completion of this South Vietnamese naval operation. When the South Vietnamese boats conducted their second foray, the MADDOX and the TURNER JOY were at least 70 nautical miles to the north east. The



attack made against them on August 4th was almost a full day after this second South Vietnamese operation.

The facts thus show today, as they showed three and one-half years ago, that attacks occurred against our ships both on August 2nd and August 4th, that we had available to us incontrovertible evidence of these attacks when the decision was made to make our limited and measured response, and that these attacks were in no sense provoked or justified by any participation or association of our ships with South Vietnamese naval operations. I would like briefly to review these facts with you.

On the 2nd of August 1964, the U.S.S. MADDUX was engaged in a patrol in international waters in the Gulf of Tonkin. At no time during the conduct of her patrol did MADDUX depart from international waters, or engage in any hostile act. Yet, while she was 28 miles from the coast of North Vietnam, on a course away from the coast, MADDUX was attacked by three North Vietnamese torpedo boats. At least 3 torpedoes were directed by the boats at the MADDUX, as well as machine gun fire. The MADDUX avoided all torpedoes and, together with aircraft arriving on the scene from the U.S.S. TICONDEROGA, repelled the attack and sank or damaged the attacking craft.

The attack on MADDUX took place in daylight. North Vietnamese reports of their plans had previously been obtained from an intelligence source. The attacking craft were clearly seen by MADDUX personnel and were photographed. The launching of the torpedoes by these PT boats

was also observed as were the torpedo wakes passing near MADDOX. Machine gun fire from the attackers was also observed and, indeed, one bullet was recovered -- it is in our possession and I have it here this morning for your inspection.

This was an unprovoked attack on a ship of the United States on the high seas. Nevertheless, no reprisal by the United States was undertaken. The MADDOX, fortunately, had avoided significant damage to itself, and inflicted damage on the attackers. Since no rational motive for the attack was apparent, we believed it possible that it had resulted from a miscalculation or an impulsive act of a local commander. After the second attack, the Chairman commented in Senate debate that I had stated, after the first attack on the MADDOX, that I did not expect it to be repeated. He also noted that this showed how wrong I was.

On August 3, the day following, a note of protest was dispatched to the North Vietnam regime at the direction of the President. It concluded with the words: "The United States Government expects that the authorities of the regime in North Vietnam will be under no misapprehension as to the grave consequences which would inevitably result from any further unprovoked offensive military action against U.S. forces." At the same time, the President made public his instructions to the Navy to continue and to add another destroyer to its patrols in the Gulf of Tonkin.

It was within this context that we received, at about 9:20 Washington time on the morning of 4 August, information from an intelligence

source that North Vietnamese naval forces had been ordered to attack the patrol.

Soon thereafter reports from the MADDOX were received that the patrol was being approached by high speed surface radar contacts and that an attack appeared imminent. Other amplifying messages quickly followed and by about 11:00 A.M., we received a flash report that our destroyers, then located some 60 to 65 miles from the coast of North Vietnam, were actually under attack. During this same time, intelligence sources reported that North Vietnamese vessels stated they had our ships under attack. Throughout the remainder of the morning and early afternoon, flash message reports of the engagement, some ambiguous and some conflicting, continued to pour in. Frequent telephone contact was maintained with the Commander-in-Chief of the Pacific Fleet, Hawaii. The President was kept informed of these developments.

During this period, I had a series of meetings with my chief civilian and military advisors in which the apparent ambiguities and contradictions in the reports were examined and reconciled to our satisfaction. We identified and refined various options for a response to the attack, to be presented to the President. Among these options was the air strike against the attacking boats and their associated bases, which option was eventually selected. As the options were identified, preliminary messages were sent to appropriate operational commanders, alerting them to the several possibilities so that initial planning steps could be undertaken.



In the early afternoon, the National Security Council met, at which time we briefed the participants, including the President, on the available details of the attack. Shortly thereafter, having received the advice of the Joint Chiefs of Staff, we recommended to the President, and he approved, a response consisting of an air strike on the PT and Swatow boat bases and their associated facilities. During all of this time, the message reports of the engagement from the ships, plus other information of a very highly classified nature received during the attack, were being reviewed to eliminate any doubt that an attack on the destroyers had in fact occurred.

For example, I saw a message from the on-scene Task Group Commander which expressed doubts as to the validity of many of the sonar reports. I discussed this message by telephone with the Commander-in-Chief, Pacific, and informed him that, although we would continue with the preparations, the reprisal strike would not be executed until we were absolutely positive of the attack. He of course agreed and in a later telephone call informed me that he was satisfied, from all the reports he had on hand, that an attack on our ships had taken place.

Finally, at about 6:30 P.M., Washington time, the message to execute the strike was transmitted by the Commander-in-Chief, Pacific.

Those are the essential details. To recapitulate, on August 2nd, one of our destroyers was attacked by North Vietnamese naval forces without provocation while on patrol on the high seas. Since the destroyer had suffered no damage and had repulsed and damaged her attackers, and since the possibility seemed to exist that the incident

was an isolated act, no further military response was made. North Vietnam was warned the next day, however, of the "grave consequences which would inevitably follow" another such attack. Furthermore, the President announced that the patrol would continue and would consist of two destroyers. The next night, the two destroyers were also attacked without provocation on the high seas by North Vietnamese Naval forces.

When these facts were established to the complete satisfaction of all responsible authorities, we responded with an air strike on the facilities which supported the attacking vessels.

Now, three and a half years later, there again seems to be debate about the essential accuracy of the above account. The questions that appear now to be raised are the same as those considered and settled at the time:

- . Was the patrol in fact for legitimate purposes?
- . Were the attacks "unprovoked?"
- . Was there indeed a second attack?
- . If there was a second attack, was there sufficient evidence available at the time of our response to support this conclusion?

#### Was the Patrol In Fact For Legitimate Purposes

Patrols of the nature of those carried on by MADDOX and TURNER JOY were initiated in the Western Pacific in 1962. They were carried out

in international waters along the coastlines of Communist countries in that area. They were open patrols and no hostile actions were ever taken by the United States forces involved. Provocative actions were avoided. The purpose was to learn what we could of military activity and environmental conditions in these parts of the world, operating in waters where we had every legal right to be. The primary purpose of the MADDOX was to observe North Vietnamese naval activity in those waters, in view of the evidence we had of infiltration by sea by North Vietnam into South Vietnam. Other secondary purposes were area familiarization and observation by visual and electronic means of any other activity of military interest. We had the undisputed right to do this. In view of our assistance to South Vietnam, such observations were needed.

The suggestion has appeared incidentally that because MADDOX prior to commencement of its patrol took aboard certain communications equipment, with personnel to operate this equipment, its patrol had some different and presumably more sinister purpose than others which had preceded it. This is simply not true. The mission of observation which I have outlined was to be fulfilled with the regularly installed equipment of the ships. The extra equipment brought aboard MADDOX consisted in essence of standard shipboard radio receivers added to the ship's normal complement of such receivers in order to give an added capability for detecting indications of a possible hostile attack on the patrol.



The Congress, at the time of the debates on the Tonkin Gulf Resolution, was aware that visual and electronic surveillance of the area was one of the purposes served by the De Soto patrol. Any suggestion now that the installation of "passive" radio receiving equipment changed the essential nature of the patrol is unwarranted.

I might add that virtually all of the De Soto patrols, since their commencement in 1962, had been outfitted with similar equipment for the same primarily defensive purposes.

Were the Attacks Unprovoked

I have heard it suggested that the patrol provoked the attacks by intruding into the territorial waters of North Vietnam. The facts are these:

Prior to the first attack, on 2 August, the MADDUX had been engaged on its patrol since 31 July. At no time during the conduct of this patrol did the MADDUX depart from international waters. It had been instructed to approach the North Vietnamese coastline no closer than 8 nautical miles and any off-shore island no closer than 4 nautical miles. MADDUX adhered scrupulously to these instructions. When the patrol resumed with MADDUX and TURNER JOY, the ships were instructed to remain at least eleven miles from the coast. These instructions also were followed. The United States recognizes no claim of a territorial sea in excess of 3 miles. This consistent position of the United States was reemphasized at the close of the 1960 Convention on Law of the Sea in Geneva.

There have, however, been statements reported in the press that the MADDUX entered into waters claimed by North Vietnam as territorial. Such statements have no basis in fact. At no time prior to the August 1964 Tonkin Gulf incidents did the North Vietnamese Government claim a width of territorial sea in excess of 3 miles. The North Vietnamese Government succeeded the French Government, which adhered to the 3 mile limit. Under the rules of international law, no claim by North Vietnam in excess of 3 miles would be assumed unless specifically made and published. It should be noted that Cambodia, a sister successor state, publicly adopted the French 3 mile rule on achieving independence. Later, it proclaimed a 5 mile limit. South Vietnam claims 3 miles. The first statement of North Vietnam which approaches a "claim" in excess of 3 miles occurred well after the attacks on 1 September 1964 in the form of a broadcast from Radio Hanoi in which it was stated, "The Democratic Republic of Vietnam declared that the territorial sea is 12 miles." No official documentary confirmation of the claim asserted in this broadcast is known to exist.

In short, at no time during the patrol did either of the destroyers leave the high seas and enter areas claimed by the North Vietnamese or recognized by the United States as national waters.

The question might be asked, however: "Should not we as a practical matter have assumed a claim of 12 miles since this is the uniform position of the communist countries? The simple answer is that communist countries do not have such a uniform position: Cuba and Poland each

adhere to the traditional 3-mile limit, while Yugoslavia and Albania claim 10 miles.

Another point relating to "provocation" was discussed and disposed of during the debates on the Tonkin Gulf Resolution and the hearings prior thereto but, of late, it seems to have been resurrected. It is the suggestion that our patrol was in some way connected with certain reconnaissance and bombardment activities of South Vietnamese patrol craft against North Vietnam.

I informed members of this Committee of these activities of the South Vietnamese in an informal meeting on 3 August 1964, after the attack on the MADDUX. The subject was again raised in lesser detail in my testimony before this Committee on 6 August 1964. I pointed out that these raids were a legitimate attempt by the South Vietnamese to counter and retaliate against the systematic infiltration of their country by sea which had been carried out by North Vietnam for the previous 2-1/2 years. I described the scope of that infiltration -- i.e., 140 known incidents between July and December 1961, an estimated 1400 infiltrators having been landed in South Vietnam during that time.

With respect to the legitimacy of those South Vietnamese operations, you, Mr. Chairman, stated during the Tonkin Gulf floor debates:

"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 years."



Senator Morse, at the hearing on August 6, specifically raised the question of a connection between our patrol and the South Vietnamese bombardment of two North Vietnamese Islands which had occurred some 2-1/2 days prior to the attack on MADDOX, and I responded that there was no connection. The two operations were separate and distinct. I informed you that our destroyers took no part whatsoever in the South Vietnamese operation. They did not convoy, support or back up the South Vietnamese boats in any way. As I stated during the hearings:

" . . . as I reported to you earlier this week, we understand that the South Vietnamese sea force carried out patrol action around these islands and actually shelled the points they felt were associated with this infiltration.

"Our ships had absolutely no knowledge of it, were not connected with it; in no sense of the word can be considered to have backstopped the effort."

That statement remains entirely accurate. I can confirm today that neither the ship Commanders nor the embarked Task Group Commander had any knowledge of the South Vietnamese action against the two islands or of any other specific South Vietnamese operations against the North. Higher Naval commands were made aware of the operations by Commander U.S. Military Assistance Command, Vietnam, in order to avoid mutual interference or confusion between our patrols and those operations.

Throughout the patrol conducted first by the MADDOX alone and later by the MADDOX and the TURNER JOY, the US destroyers were directed to remain in waters which would keep them from becoming operationally involved with the South Vietnamese activity. The restrictions this imposed on the patrol were such that, at one time, consideration was given to its abandonment. The Task Group Commander knew only that certain

South Vietnamese naval operations were periodically carried on in the area. He had no detailed knowledge of their type or of where or when they would be conducted. Indeed, his lack of knowledge was such that he mistakenly identified the South Vietnamese craft returning from their operation of July 31st as Soviet P-6 class boats.

In point of fact, our patrols and the shore bombardments by South Vietnamese forces were separated in both time and space. When South Vietnamese PTFs bombarded the islands of Hon Nieu and Hon Me on the night of 30-31 July, the MADDUX had not even commenced her patrol, and was at least 130 miles to the southeast of the nearest of those islands. At the time of the attack on the MADDUX on 2 August, the South Vietnamese boats had been back at their base in DaNang for almost 53 hours.

I learned subsequent to my testimony of 6 August 1964 that another South Vietnamese bombardment took place on the night of 3-4 August. At the time of that action, the MADDUX and TURNER JOY were at least 70 miles to the northeast. The North Vietnamese attack on MADDUX and TURNER JOY on the night of 4 August occurred some 22 hours later.

I think it important, too, in dealing with this issue, to recall that the President had announced publicly on 3 August that our patrol would continue and consist of two destroyers. It is difficult to believe, in the face of that announcement, and its obvious purpose of asserting our right to freedom of the seas, that even the North Vietnamese could connect the patrol of the MADDUX and TURNER JOY with a South Vietnamese action taking place some 70 miles away.

Was There Indeed A Second Attack

I know of no claim that the attack on MADDOX on August 2nd did not occur. As for the second attack, the incident occurred on a very dark, moonless, overcast night. As would be expected under these conditions, some uncertainty existed and to this day exists, about some of the precise details of the attack. But there should be no uncertainty about the fact that an attack took place. The evidence pertaining to the incident is reviewed in the following paragraphs.

On the evening of 4 August 1964 Task Group 72.1 consisting of USS MADDOX and USS TURNER JOY, with COMDESDIV 192 embarked in MADDOX and acting as CTG 72.1, was proceeding on an easterly course in the Gulf of Tonkin at a speed of twenty knots. At about 7:40 P.M. Tonkin Gulf time,<sup>1/</sup> the Task Group Commander (CAPTAIN J. J. HERRICK, USN) observed on the surface search radar at least five contacts, which he evaluated as probable torpedo boats, located about 36 miles to the northeast of the two ships. At 7:46 P.M. MADDOX and TURNER JOY changed course to 130 and increased speed to 28 knots to avoid what the Task Group Commander had evaluated as a trap.

Shortly after 9:00 P.M. both ships' radars held contacts approximately 14 miles to the east. These contacts were on course 160, speed 30 knots. At that time the two US ships were approximately 60 miles from the North Vietnamese coast.

\* At about 9:39 P.M. both MADDOX and TURNER JOY opened fire on the approaching craft when it was evident from their maneuvers that they were

<sup>1/</sup> To convert local Tonkin Gulf Time to EDT, subtract 12 hours.

\* note - This is Saigon time - hence EDT is 10:39 a.m.



pressing in for attack positions. At about this time, the boats were at a range of 6,000 yards from MADDOX when the radar tracking indicated that the contact had turned away and begun to open in range. Torpedo noises were then heard by the MADDOX's sonar. A report of the torpedo noise was immediately passed to the TURNER JOY by inter-ship radio and both ships took evasive action to avoid the torpedo.

A torpedo wake was then sighted passing abeam TURNER JOY from aft to forward, approximately 300 feet to port on the same bearing as that reported by MADDOX. This sighting was made by at least four of TURNER JOY's topside personnel: the forward gun director officer (LTJG John J. Barry, USNR); the port lookout (Edwin R. Sentel, SN USN); by a seaman who was in the forward gun director with the director officer (Larry O. Litton, SN, USN); and by a seaman who was operator of the after gun director (Roger N. Bergland, SN, USN).

At about 10:24 P.M., one target was taken under fire by TURNER JOY. Numerous hits were observed on this target and it disappeared from all radars. The commanding officer and other TURNER JOY personnel observed a thick column of black smoke from this target.

Later (10:47 P.M.) during the attack a search light was observed by all signal bridge and maneuvering bridge personnel including the commanding officer of USS TURNER JOY. The beam of the search light did not touch the ship, but was seen to swing in an arc toward TURNER JOY and was immediately extinguished when aircraft from the combat air patrol orbiting above the ships approached the vicinity of the search light (Senior Chief Quartermaster Walter L. Shishim, USN; Richard B. Johnson, SMI, USN; Richard D. Nooks, QM 3, USN; Richard M. Bacino, SM2,

USN; and Gary D. Carroll, SM3, USN, stationed on the TURNER JOY's signal bridge all made written statements that they sighted the search light).

The silhouette of an attacking boat was seen by at least four TURNER JOY personnel when the boat came between the flares dropped by an aircraft and the ship. When these four men were asked to sketch what they had seen, they accurately sketched P4 type boats. (None of the four had even seen a picture of a P4 boat before.) (Donald V. Sharkey, BM3, USN; Kenneth E. Garrison, SN, USN; Delner Jones, GMG SN, USN, and Arthur B. Anderson, FT SN, USN, are the four personnel from TURNER JOY who sighted the boat.)

In addition to the above, a gunner's mate second class stationed aft of the signal bridge aboard USS MADDOX saw the outline of a boat which was silhouetted by the light of a burst from the three-inch projectile fired at it. (Jose R. SAN AUGUSTIN GMG2, USN).

The Commanding Officer of Attack Squadron 52 from the TICONDEROGA (CDR G. H. Edmondson, USN) and his wingman (LT J. A. Burton), while flying at altitudes of between 700 and 1500 feet in the vicinity of the two destroyers at the time of the torpedo attack both sighted gun flashes on the surface of the water as well as light anti-aircraft bursts at their approximate altitude. On one pass over the two destroyers, both pilots positively sighted a "snakey" high speed wake one and one-half miles ahead of the lead destroyer, USS MADDOX.

Two U.S. Marine Corps personnel who were manning machine guns on USS MADDOX saw lights pass up the port side of the ship, go out ahead

and pass down the starboard side. Their written statement asserts their believe that this was one or more small boats at high speed. (These were Mathew B. Allasre, SGT, USMC and David A. Prouty, L/CPL, USMC.)

In addition to the above, intelligence reports received from a highly classified and unimpeachable source reported that North Vietnam was making preparations to attack our destroyers with two SWATOW boats and with one PT boat if the PT could be made ready in time. The same source reported, while the engagement was in progress on August 4, that the attack was under way. Immediately after the attack ended, the source reported that the North Vietnamese lost two ships in the engagement.

No one within the Department of Defense has reviewed all of this information without arriving at the unqualified conclusion that a determined attack was made on the MADDOX and TURNER JOY in the Tonkin Gulf on the night of 4 August 1964. Vice Admiral Roy L. Johnson, USN, Commander of the U.S. SEVENTH Fleet at the time, stated in his review of the combined chronology and track charts submitted by the Task Group Commander: "Commander, SEVENTH Fleet, is convinced beyond any doubt that MADDOX and TURNER JOY were subjected to an unprovoked surface torpedo attack on the night of 4 August 1964." Admiral T. H. Moorer, then Commander-in-Chief, Pacific Fleet, concurred in that appraisal.

In Washington, the Director of the Joint Staff, Lieutenant General David A. Burchinal, USAF, analyzed the incoming information from message traffic, with the assistance of the Joint Staff. He then gave his evaluation to the Secretary of Defense: "The actuality of the attack is confirmed."



In the face of this evidence, I can only conclude that many of the persistent questions as to whether or not an attack took place must have arisen from confusion between the August 4th attack and another incident which occurred on the 18th of September 1964, i.e., about 45 days later. At that time, the US destroyers MORTON and EDWARDS were patrolling, at night, in the Gulf of Tonkin, and initially reported themselves under attack. While the ensuing situation reports indicated the probability of hostile craft in the area of the patrol, it was decided at both the Washington and field command levels that no credible evidence of an attack existed. It should be noted that the intelligence source that confirmed the attacks of August 2nd and 4th provided no evidence of any enemy action on September 18th. In view of our unresolved doubts, no retaliatory action was taken. Many individuals who were not aware of all of the facts about all three incidents, i.e., 2 August, 4 August and 18 September, have made the mistaken assumption that descriptions of the 18 September incident were referring to the second Tonkin Gulf incident. Aware of the negative findings on 18 September, they have mistakenly assumed that there is serious doubt as to whether the "second" Tonkin Gulf attack in fact took place.

As a final point on this issue, US naval forces in the three and one-half years which have elapsed since the August 1964 incidents have captured several North Vietnamese naval personnel. These personnel were extensively interrogated. One of these, captured in July 1966, stated he had taken part in the 2 August 1964 attack on the MADDUX, and his account of that attack coincided with our observations. He professed no knowledge of the 4 August attack and said that he believed that PT boats were not involved. He stated that Swatows could have been used for that attack. His disclaimer of PT participation is contradicted

by information received from a later captive. A North Vietnamese naval officer captured in July 1967 provided the name of the Commander of a PT squadron. This Commander and his squadron were identified by name and number in intelligence reports of the 4 August engagement received immediately after the attack.

If There Was a Second Attack, Was There Suf-  
ficient Evidence Available at the Time of  
Our Response to Support This Conclusion

Some of the details cited above, particularly the statements of eye witnesses, although gathered immediately after the attack, had not reached Washington at the time that the reprisal air strikes were ordered executed. Sufficient information was in the hands of the President, however, to establish beyond any doubt then or now that an attack had taken place. Allow me to repeat again that information:

- . An intelligence report of a highly classified and unimpeachable nature received shortly before the engagement, stating that North Vietnamese naval forces intended to attack the MADDOX and TURNER JOY.
- . Reports from the ships that their radars indicated they were being shadowed by high speed surface vessels.
- . Reports from the ships that they were being approached by the high speed vessels and an attack appeared imminent.
- . Reports from the ships that they were under attack.
- . A report from the ships that searchlight illumination had been utilized by the attacking craft and that gun fire against the patrol had been observed.
- . A report that two torpedoes had passed close to the TURNER JOY and that there had been positive visual

sightings of what appeared to be cockpit lights of patrol craft passing near the MADDUX.

- . An intelligence report stating that North Vietnamese naval forces had reported they were involved in an engagement.
- . Reports from the U.S. ships that they had sunk two and possibly three of the attacking craft.
- . An intelligence report stating that North Vietnamese naval forces had reported losing two ships in the engagement.
- . A report from the on-scene Task Group Commander that he was certain that the ambush had taken place, although precise details of the engagement were still not known.
- . A report from the Commander-in-Chief, Pacific that he had no doubt that an attack had occurred.

\* \* \* \* \*

As a final point, I must address the suggestion that, in some way, the Government of the United States induced the incident on 4 August with the intent of providing an excuse to take the retaliatory action which we in fact took. I can only characterize such insinuations as monstrous.

The effective repulsion of the August 2nd attack on the MADDUX with relatively high cost to the small North Vietnamese Navy, coupled with our protest which clearly and unequivocally warned of the serious



consequences of a recurrence, made us confident that another attack was unlikely. The published order of the President that the destroyers should continue to assert the right of the freedom of the seas in the Gulf of Tonkin, and setting forth the composition of the patrol, should have served to avoid any future misunderstanding. As the patrol resumed the ships were ordered to remain 11 miles from the coastline in lieu of the 8 miles ordered on the previous patrols, hardly indicative of an intent to induce another attack. As a matter of fact, on their own initiative the two ships approached the coastline no closer than 16 miles during their patrol. But beyond that, I find it inconceivable that any one even remotely familiar with our society and system of Government could suspect the existence of a conspiracy which would include almost, if not all, the entire chain of military command in the Pacific, the Chairman of the Joint Chiefs of Staff, the Joint Chiefs, the Secretary of Defense, and his chief Civilian Assistants, the Secretary of State, and the President of the United States.

MEMORANDUM

4  
THE WHITE HOUSE  
WASHINGTON

7  
February 19, 1968, Monday, 6:30 P.M.

15  
INFORMATION MEMORANDUM

SUBJECT: Tonkin Gulf Incident

The first attack on the Destroyer, USS MADDUX, operating in the Gulf of Tonkin, took place on Sunday, August 2, 1964.

On August 3 the President instructed that the Navy continue the patrols in the Gulf and issued orders that combat aircraft and the two destroyers attack any force which attacked them in international waters with the objective not only of driving off the force, but of destroying them.

On Tuesday, August 4 in mid-morning, Secretary McNamara reported a second attack on the USS MADDUX.

There followed a noon meeting, a luncheon with Secretary Rusk, Secretary McNamara, Mr. McCone, Mr. Vance and Mr. McGeorge Bundy during which the entire situation was reviewed and a course of action decided upon.

At 6:15, the National Security Council met to discuss the proposed action.

At 6:45 the Leadership was informed.

The Defense Department sent the necessary military orders for the reprisal attack.

At 11:40 the President made a statement to the nation via television at which time he not only announced the second attack, but also the actions taken in reprisal against gunboats and supporting facilities in North Vietnam which had been used in launching the hostile operations against U.S. naval vessels.

*Bromley*  
Bromley Smith

Friday, February 16, 1968  
1:15 p.m.*Rec'd 1:30P*SECRET

MR. PRESIDENT:

I had a long talk with Clark Clifford this morning conveying to him your views.

He recommends that:

- Bus Wheeler go out to Viet Nam tomorrow (Saturday);
- that you await final decision on a package to go to the Hill until he returns.

I also talked, as instructed, with Bus Wheeler. He says that Bob very much wants him to wait until after the Tonkin Gulf hearing on Tuesday before going to Saigon.

He thinks if he left on Wednesday, Feb. 21st, he could be back on Monday, Feb. 26.

The operational question is, therefore, whether Bob can be persuaded to take on the Tonkin Gulf problem next Tuesday with, say, Admiral Moorer.

I have just finished talking to Bob, who still feels strongly that Bus Wheeler ought to be there for the Tonkin Gulf hearing.

In short, your advisers appear to agree that final decision on the package should await Bus Wheeler's trip: the question is whether Bus leaves tomorrow, Saturday, or on Wednesday.

*Wheeler*  
Rostow

DECLASSIFIED

E.O. 12356, Sec. 3.4(b)

White House Guidelines, Feb. 24, 1983

By JDW/RG, NARA, Date 5.8.96SECRET



Tonkin

9  
F  
S

STATEMENT BY DEFENSE DEPARTMENT SPOKESMAN

Gulf of Tonkin

Any suggestion that the August 1964 attacks on U.S. destroyers in the Tonkin Gulf did not occur is contrary to the known facts.

The two attacks were made on August 2 and 4 when U.S. destroyers were on patrol in international waters. The attacks were seen, heard, and detected electronically by the crews of the ships.

During the first, daylight, attack, photos were taken of the attacking torpedo boats, and damage was done to the destroyer by machine gun bullets.

The evidence that the destroyers were attacked is conclusive. It includes:

AUGUST 2 ATTACK

- 1) Visual sighting of three torpedoe boats making daylight runs on the Destoryer MADDOX and firing at least four torpedoes.
- 2) Photographs of the attackers taken from ships and aircraft.
- 3) Damage to the MADDOX from North Vietnamese fire.

AUGUST 4 ATTACK

- 1) Radar tracks of fast, small craft parrelling and then closing in on the Destroyers MADDOX and TURNER JOY.
- 2) Numerous sonar detections of torpedoes fired at the destbroyers, reported by the sonar man who manned the MADDOX'S equipment throughtout the attack.
- 3) Visual sighting by an officer and several crewmen of the WAKE of a torpedo passing near the TURNER JOY.
- 4) Visual sighting of the attacking craft lit by aircraft flares and by shells fired during the engagement.

- XERO COPY XERO COPY XERO COPY XERO COPY
- 5) Visual sighting of a search light beam from one of the attacking craft.
  - 6) Visual sighting of anti aircraft fire directed at American planes overhead.
  - 7) Visual sighting from aircraft of the WAKE of a small, fast craft near the destroyers.

Persons who have examined all of the evidence can have no doubt that the MADDOX twice and the TURNER JOY once were attacked by North Vietnamese small naval craft well in international waters and without provocation.

Dictated by phone by Miss Valenti (11-70713) 12/22/67  
taken by C. L. Horn