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THE WHITE HOUSE

WASHINGTON

March 25, 1975

MEMORANDUM FOR THE PRESIDENT

THROUGH: JOHN MARSH  
MAX L. FRIEDERSDORF

FROM: WILLIAM T. KENDALL *WTK*

SUBJECT: Speech to be delivered by Senator Robert Griffin  
Wednesday, March 26, 1975

Senator Griffin has asked that I transmit the attached speech to you. He will deliver it on the Senate floor tomorrow morning. The speech is a defense of Administration policy in Southeast Asia.



Remarks by

U. S. SENATOR ROBERT P. GRIFFIN

for delivery in

The United States Senate

March 26, 1975

DROPPING THE TORCH ?

Mr. President: In 1961, when John F. Kennedy took the oath as President, he stirred the hearts of freedom-loving people around the world with these words:

"Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans -- born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage -- and unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed, and to which we are committed today at home and around the world.

"Let every Nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty." (Emphasis supplied)

Our country has been a major factor in holding the world together in modern times because other Nations, friend and foe alike, have believed that the United States means what it says.

Every American President in the last 35 years -- and there have been seven of them -- has been called upon to recognize the dangers of unchecked international aggression.

Each of those Presidents -- from Franklin Roosevelt to Gerald Ford -- has taken the position that America's interests are served by helping other free Nations to defend themselves against aggression.

Indeed, that resolve on the part of the United States was so meaningful that beginning on March 19, 1965 -- ten years ago this month -- the United States even sent its own troops to fight beside the South Vietnamese.

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By 1968, there were 500 thousand Americans in Southeast Asia, and United States expenditures to support the effort there exceeded \$80 million a day.

By comparison, the \$300 million requested now by President Ford for Vietnam is roughly equivalent to 4 days of expenditure support at 1968 levels.

It appears obvious now that Congress will take off for an Easter recess without according the White House even the courtesy of a vote on its urgent request for emergency assistance to Cambodia and South Vietnam.

By default -- and through caucus decisions of the majority party -- it has become painfully obvious to all who watch -- in the United States and around the world -- that Congress is turning its back on allies in Indochina who are struggling to defend themselves.

Such an abandonment by Congress -- not only of allies but of a huge investment that includes 50,000 American lives -- should at least be a conscious and deliberate decision made by the Senate as a whole -- for it is a decision that carries with it into history consequences and responsibility of enormous proportions.

Perhaps it is possible that Congress -- by doing nothing or by taking a vote -- will turn hollow the ring of John Kennedy's inspiring words and will forsake basic principles upon which Presidents of both parties have stood so firmly through the years. But I cannot allow this to happen without at least speaking out.

I know that the people of America are tired of Vietnam. No member of this Senate needs to be reminded of that. Americans are tired of reading about Vietnam, of hearing about Vietnam, of watching Vietnam on television; and they are tired of paying for Vietnam.

I realize also that the dictates of political expediency -- and perhaps of political survival -- press hard for outright termination of all U. S. assistance, once and for all.

I am familiar with the opinion polls. Yet, I cannot help but recall the admonition of Winston Churchill during the last World War:

"Nothing is more dangerous in wartime than to live in the temperamental atmosphere of a Gallup Poll, always feeling one's pulse and taking one's temperature."

Were the task of a Senator nothing more than studying public opinion and casting each vote with the majority, I might more efficiently return home and leave my responsibilities in the care of a computer.

But surely our responsibilities here in the Senate reach beyond the mechanical task of echoing public opinion. That point was made by Edmund Burke in 1774 when he told his constituents:

"Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion."

In our understandable frustration with Vietnam, it is tempting to assume that if we just cut off all aid to South Vietnam, the people of that area will settle their own problems and the rest of the world can live in peace again.

As the Washington Star recently observed, some people take the view that:

" . . . cutting off aid to our allies is something like cutting off oxygen to a dying patient, to spare

(more)



these long-suffering people more agony. We have talked ourselves into the idea that, in supplying Vietnam and Cambodia with the means of defending themselves, it is we who have instigated and perpetuated the war and it is our obligation to end it."

Unfortunately, it is not that simple.

There are in South Vietnam today several million people who, in one way or another, have openly opposed the Communists. Many of them took their position after we convinced them that the United States would stand by them. Statements by Vietnamese Communist leaders, as well as the lessons of history, give no assurance that these individuals will not be killed or imprisoned following a North Vietnamese victory.

- In 1946, the Secretary General of the Indochinese Communist Party ominously asserted:

"For a newborn revolutionary power to be lenient with counter-revolutionaries is tantamount to committing suicide."

- When Ho Chi Minh took over North Vietnam in 1954, a massive purge resulted in an estimated 50,000 executions and, indirectly, in the deaths of several hundred thousand more -- and this was after nearly a million potential victims had fled to the South.
- In the 1968 Tet offensive, hundreds of bodies were found in mass graves outside Hue -- and great numbers of others still are not accounted for.
- And public statements by North Vietnamese leaders give a foretaste of events to come. Three years ago, North Vietnam's Minister of Public Security laid down this official policy for dealing with dissidents:

"In our dealings with counter-revolutionary elements in the recent past, we have still . . . not properly used violence."

In and out of Congress, many have salved their consciences with the assumption that South Vietnamese people really prefer Communism anyway. For those Americans, it should be interesting -- and disturbing -- to see on television that the hundreds of thousands of refugees, who flee for their lives from the recently abandoned provinces, are moving South on the clogged highways -- not North.

On the face of the record, it is just unrealistic to suggest that an end to United States aid will end the killing in Vietnam.

The consequences of such a decision would be felt in our own country too. Earlier this month I met with an Ann Arbor constituent, James H. Warner, who for over five years was a prisoner of war in North Vietnam. Like other young men who were held captive, Warner received considerable abuse because he did not "cooperate" with his Communist hosts.

In the course of our conversation, Warner expressed great concern about the fate in Congress of President Ford's request for continued aid to Vietnam and Cambodia. There was deep emotion in his voice as he wondered aloud about the possibility that Congress might deny the request. Why, he wondered, had he endured so much to keep faith with his country -- if America's leaders were going to respond now by abandoning the cause for which he fought.

(more)

If Congress takes the "easy" course, Warner's case is only illustrative of the bitterness that will be felt by thousands of veterans who fought in Vietnam.

Many who advocate ending all U. S. aid to Vietnam assume that Communist North Vietnam would become a peaceful member of the international community once it gained control of Saigon. Unfortunately, that is not likely to be the case.

As we know, Prince Norodom Sihanouk, the deposed Cambodian head of state, is in exile in Peking. In one of the last public statements he made before being ousted in 1970 by a unanimous vote of his National Assembly, he wrote in a Japanese foreign affairs quarterly, Pacific Community, about the importance of the United States maintaining a presence and providing assistance to the victims of Communist aggression in Southeast Asia. He did not expect the Americans -- for whom he had (and has) little affection -- to remain in Asia for altruistic reasons -- but he believed the United States should remain in its own self-interest. He concluded:

" /T/he Communization of Cambodia would be the prelude to a Communization of all Southeast Asia and, finally, (although in a longer run) of Asia. Thus it is permitted to hope that, to defend its world interests (and indeed not for our sake), the United States will not disentangle itself too quickly from our area -- in any case not before having established a more coherent policy which will enable our populations to face the Communist drive with some chance of success."

Already Sihanouk's concerns of 1970 are being borne out in the wake of our apparent abandonment of South Vietnam and Cambodia.

Thailand, for example -- a close ally for decades -- has shown signs of a moving away from its relationship with the United States and toward the Communist powers.

Earlier this month, a respected journalist, Keyes Beech, wrote:

"One by one, the small Nations of Southeast Asia are moving closer to Peking -- not in terms of ideology but on practical grounds.

"Within the past few days, both the Philippines and Singapore have taken conciliatory steps toward their giant Asian neighbor."

A compelling case can be made that these political changes in Southeast Asia are the direct consequence of a decline in American credibility in the area. Small Nations which in years past have relied on the word of the United States are now concluding that, in the long run, America's word is no longer credible. Under such circumstances, it would hardly be healthy for them to resist the expansion of Chinese or North Vietnamese influence in the region.

American abandonment of Indochina would almost certainly have consequences in other parts of the world as well.

In the Middle East, our ability to assist in the search for peace depends largely on our credibility with participants in the dispute. Recent reports from Jerusalem have noted a growing concern about the reliability of the United States -- a concern related by some to the apparent U. S. abandonment of its allies in Indochina. As John Goshko of the Washington Post Foreign Service reported March 12:

"Many Israelis, drawing a comparison between their own situation and events in Southeast Asia, say openly that they fear that the same thing may happen here."

(more)

And Marilyn Berger, also of the Washington Post, reported from the Middle East on March 20:

"The imminent fall of Cambodia and even South Vietnam . . . are said to be raising new obstacles in the current negotiations.

"Israelis are questioning the value of assurances . . . Arabs are said to be questioning the need to make concessions when American aid to Israel might soon be diminished, just as it has been in Cambodia and South Vietnam."

These are deeply disturbing developments. They pose tough, hard questions which deserve answers before we pull the rug from under our allies in Indochina.

Mr. President, if and when the Senate moves toward a vote on supplemental aid to Cambodia and South Vietnam, each member will have to wrestle with his own conscience in deciding whether a vote against it will best serve American interests and the cause of world peace.

For one, I do not believe that such a move would serve those high purposes. Furthermore, it would signal a new turn toward isolationism -- and the world of 1975 is too small, too inter-dependent for that.

A great statesman of the past from my State, Senator Arthur H. Vandenberg, appreciated the role we must play in the world, when on July 6, 1949, he said:

"Much as we might crave the easier way of lesser responsibility, we are denied this privilege. We cannot sail by the old and easier charts. That has been determined for us by the march of events. We have no choice as to whether we shall play a great part in the world. We have to play it in sheer defense of our own self-interest. All that we can decide is whether we shall play it well or ill."

America will play a decisive role in world affairs -- whatever we do -- whether we stick to our word and maintain our credibility -- or whether we turn our back on friends and betray their hope for freedom. What we do will have consequences, for good or ill -- consequences which we dare not ignore.

Although the hour is late -- very late -- the question of U.S. aid to Cambodia and South Vietnam is still open.

Our action -- or inaction -- will send a message, loud and clear, to the rest of the world -- a message to friend and foe alike that will ring through history as resoundingly as did President John Kennedy's stirring words of January 20, 1961.

Shall the word go forth, from this time and place -- that the torch has been dropped?

Or, shall the message from this Congress be that America -- sadder, perhaps -- but wiser, we hope -- and tempered with a clearer sense of the limits of our power -- still stands proud and true to herself, to her friends, and to the cause of liberty!

###

[April 1975?]

A BILL

To authorize additional military assistance for  
South Vietnam, and for other purposes.

1        Be it enacted by the Senate and the  
2        House of Representatives of the United States  
3        of America in Congress assembled, That para-  
4        graph (1) of section 401(a) and subsection  
5        (b) of Public Law 89-367, approved March 15,  
6        1966 (80 Stat. 37), as amended, are amended by  
7        striking out "\$1,000,000,000" each place it  
8        appears and inserting in lieu thereof  
9        "\$1,422,000,000".



A BILL

To authorize additional economic assistance for  
South Vietnam, and for other purposes.

1        Be it enacted by the Senate and the  
2        House of Representatives of the United States  
3        of America in Congress assembled, That in  
4        addition to amounts otherwise authorized for  
5        such purposes, there is authorized to be ap-  
6        propriated to the President not to exceed  
7        \$73,000,000 to carry out the purposes of  
8        part V of the Foreign Assistance Act of 1961,  
9        as amended, for South Vietnam for the fiscal  
10       year 1975. Funds <sup>made available</sup> ~~appropriated after the date~~  
11       ~~of enactment of this Act~~ for economic and  
12       humanitarian assistance <sup>for Indo-China</sup> ~~to South Vietnam~~ shall  
13       <sup>after the date of enactment of this Act</sup> be available for obligation without regard to  
14       the limitations contained in sections 36 and 38  
15       of the Foreign Assistance Act of 1974, Public  
16       Law 93-559, approved December 30, 1974 (88 Stat.  
17       1795).



A BILL

To modify restrictions on the use of United States  
Armed Forces in Indochina, and for other  
purposes.

1           Be it enacted by the Senate and the  
2           House of Representatives of the United States  
3           of America in Congress assembled, That nothing  
4           contained in section 839 of Public Law 93-437,  
5           section 741 of Public Law 93-238, section 30 of  
6           Public Law 93-189, section 806 of Public Law  
7           93-155, section 13 of Public Law 93-126, section  
8           108 of Public Law 93-52, section 307 of Public  
9           Law 93-50, or any other comparable provision of  
10          law shall be construed as limiting the avail-  
11          ability of funds for the use of the Armed Forces  
12          of the United States for the sole purpose of  
13          carrying out a humanitarian evacuation, if ordered  
14          by the President. There are authorized to be ap-  
15          propriated such sums as may be necessary to carry  
16          out such evacuation and to provide relief for  
17          persons evacuated. Funds made available under this  
18          Act shall be available for obligation and expenditure  
19          under the authorities contained in the Foreign Assist-  
20          ance Act of 1961, as amended, and the Migration and  
21          Refugee Assistance Act of 1962, as amended, and the  
22          President is authorized to incur obligations in  
23          advance of such appropriations.

I am asking the Congress to appropriate without delay \$722 million for emergency military assistance and an initial sum of \$250 million for economic and humanitarian aid for South Vietnam.

The situation in South Vietnam is changing rapidly and the need for emergency food, medicine and refugee relief is growing. I will work with the Congress in the days ahead to develop additional humanitarian assistance to meet these pressing needs.

Fundamental decency requires that we do everything in our power to ease the misery and pain of the monumental human crisis which has befallen the people of Vietnam. Millions have fled in the face of the Communist onslaught and are now homeless and destitute. I hereby pledge in the name of the American people that the United States will make a maximum humanitarian effort to help care for and feed them.

I ask Congress to clarify immediately its restrictions on the use of U. S. military forces in Southeast Asia for the limited purposes of protecting American lives by ensuring their evacuation, if this should become necessary. I also ask prompt revision of the law to cover those Vietnamese to whom we have a special obligation and whose lives may be endangered, should the worst come to pass.

I hope that this authority will never be used, but if it is needed there will be no time for Congressional debate.

Because of the urgency of the situation, I urge the Congress to complete action on all these measures not later than April 19.

In Cambodia the situation is tragic. The United States and the Cambodian Government have each made major efforts -- over a long period and through many channels -- to end that conflict. But because of their military successes, steady external support, and American legislative restrictions, the Communist side has shown no interest in negotiation, compromise, or a political solution.

And yet, for the past three months the beleaguered people of Phnom Penh have fought on, hoping against hope that the United States would not desert them, but instead provide the arms and ammunition they so badly need.

I have received a moving letter from the new acting President of Cambodia, Saukham Khoy.

"Dear Mr. President," he wrote. "As the American Congress reconvenes to reconsider your urgent request for supplemental assistance for the Khmer Republic, I appeal to you to convey to the American legislators our plea not to deny these vital resources to us, if a non-military solution is to emerge from this tragic 5 year old conflict.

"To find a peaceful end to the conflict we need time. I do not know how much time, but we all fully realize that the agony of the Khmer people cannot and must not go on much longer. However, for the immediate future, we need the rice to feed the hungry and the ammunition and weapons to defend ourselves against those who want to impose their will by force of arms. A denial by the American people of the means for us to carry on will leave us no alternative but inevitably abandoning our search for a solution which will give our citizens some freedom of choice as to their future. For a number of years now the Cambodian people have placed their trust in America. I cannot believe that this confidence was misplaced and that suddenly America will deny us the means which might give us a chance to find an acceptable solution to our conflict."

(MORE)

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|---|---|
| 1. \$422 M Authorization  | House Armed Services<br>Senate Armed Services                     |
| 2. \$73 M Authorization<br>(Auth \$617 - for Indo Recon<br>Approp. 440 - for Indo Recon<br>\$177 - Auth, not Approp.<br>73 - new Auth required<br>\$250 - total humanitarian) | House International Relations<br>Senate Foreign Relations         |
| 3. \$250 M - humanitarian Approp.   | House Appropriations (For/Aid)<br>Senate Appropriations (For/Aid) |
| 4. \$300 M<br>\$422 M Both to ] 722 m   | House Appropriations<br>Senate Appropriations                     |
| 5. 1973 S/E Restriction   | House International Relations<br>Senate Foreign Relations         |
| 6. Immigration Authorization  | House Judiciary<br>Senate Judiciary                               |
| 7. War Powers Clarification   | House International Relations<br>Senate Foreign Relations         |
| 8. Evacuation   | Government Operations   |
| 9. Refugee Assistance   | House<br>Senate   |



1. \$422 m Authorization House Armed Sv.  
Senate " "

2. \$177 m  
(Authorized 617  
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\$177.  
House Foreign Rel.  
Senate " "

3. '73 S/E Restriction House Foreign Rel.  
Senate " "

4. \$300 m } Both to → [ House App.  
\$422 m } [ Senate App.

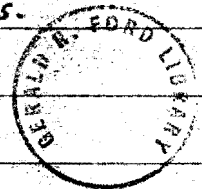
5. \$73 m. (Humanitarian) House App. (For Aid)  
to bring up to \$250. m. Senate App. (For Aid)

6. Immigration Auth. House Judiciary  
Senate " "

7. W2a Powers Clarification House For. Rel.  
Senate " "

8. Evacuation Gov. Ops.

9. Refugee Assistance House  
Senate



# *Viet Nam Legislative Package*

- |  |   |
|--|---|
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| 2. \$73 M Authorization<br>(Auth \$617 - for Indo Recon<br>Approp. 440 - for Indo Recon<br>\$177 - Auth, not Approp.<br>73 - new Auth required<br>\$250 - total humanitarian | House International Relations<br>Senate Foreign Relations         |
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| 8. Evacuation  | Government Operations   |
| 9. Refugee Assistance  | House<br>Senate   |



Request for \$722 Million in Military Assistance for South Vietnam

The President has requested \$722 million in current military assistance to help reequip and reorganize the South Vietnamese armed forces.

- The bulk of the request, some \$400 million, is for military equipment, almost all ground equipment.
- Some \$200 million is for ammunition, almost all of this for ground ammunition.
- Some \$10 million is for POL (mostly fuel) and some \$7 million is for hospital equipment, and medical supplies.
- Some \$94 million is for the cost of transporting the above items to South Vietnam.



[April 1975?]

VIETNAM SITUATION

In reference to your position and public statements concerning the events in Southeast Asia, particularly Vietnam, I mention the following:

1. The principle responsibility for the tragic events that are developing is a gross breach of the Paris Accords by the North Vietnamese. The infiltration and attack on South Vietnam, I feel, should be denounced in scalding terms repeatedly.

2. You have a long history of unflagging support of the American effort in Southeast Asia as a Congressman under three previous Presidents, and as Vice President and as President. If this is not readily apparent to the rank-and-file of our people, it is well known to Members of Congress, journalists, T.V. commentators and political writers.

3. I am of the view that it is not necessary for you to point to Congress' failure to supply the \$300 million in aid as having brought



about the defeat the Vietnamese have suffered. I say this because:

(a) The failure of performance of the Vietnamese Army is hard to relate in a credible way to this single Congressional inaction.

(b) I believe this will drive many Members of Congress on the defensive particularly some who would otherwise have supported you. There does continue to be in the Congress a small but hard-core group who have consistently stood with every Administration on the Vietnam issue. I feel it is best to avoid a debate between you and Congress on this current situation.

4. I think the best strategy would be to indirectly focus public attention to Congressional inaction whereby an examination of the record shows that it is Congressional inaction that has hamstrung Vietnam assistance. This would include legislative restrictions and Congressional criticism which for a period of years has gradually eroded the confidence of the Vietnamese in our commitment to continue

to support them, ultimately leading to the disastrous decision which President Thieu made. Using this approach, I think you can express disappointment and regret that the Congress did not see fit to respond not only to your request, but previous requests for Cambodia and Vietnam aid. This approach would envision that you would not directly blame Congress but would indirectly raise a question in the public's mind to cause examination of the legislative record.

5. Your numerous statements on Vietnam and responses to the press establish a clear record on your position and it is my view that once this subject is developed through public discussion the failure of Congress to be responsive will become more apparent.

TALKING POINTSSUPPLEMENTAL ASSISTANCE FOR SOUTH VIETNAMA. The General Situation

The situation in South Vietnam is critical. The South Vietnamese have given up large amounts of territory, population and equipment because of:

- North Vietnam's all-out offensive, now involving 20 divisions.
- The cut backs in U. S. assistance to the South Vietnamese.
- Poorly executed strategic withdrawals severely hampered by the flood of refugees seeking to escape Communist rule.

The basic issue now is whether the U. S. will abandon or assist the South Vietnamese in their defense and refugee relief efforts.

- The South Vietnamese are assisting their many refugees. Their armed forces, including many troops evacuated from Military Regions I and II, are now reforming their defense lines.
- The South Vietnamese retain control of most of the southern half of their country and the bulk of South Vietnam's population. The areas under Government control include the populous Saigon area and the Mekong Delta, the nation's agricultural heartland.
- With timely American assistance, the South Vietnamese have a chance to stabilize the situation and thus to provide an essential incentive for the North Vietnamese to negotiate and to turn from the path of war to the path of peace.
- Without such American assistance, the South Vietnamese have no hope. But America's abandonment of an ally, would also have adverse implications reaching far beyond Indochina.

B. The Impact of the Cuts in U. S. Assistance

In its initial decisions to withdraw its forces from the Highlands and to transfer the Airborne Division from northern South Vietnam to Saigon, the South Vietnamese government felt compelled to reduce its defense perimeters because of:



-- The increasingly adverse national impact of the cuts in American assistance and a growing uncertainty about timely American support in the future.

-- The evident build-up and increasing pressure of the North Vietnamese divisions in the Highlands and northern coastal areas of South Vietnam.

-- The fall of Phuoc Long Province and of Ban Me Thuot under heavy Communist attacks.

-- The fact that while restrictions on U. S. assistance to South Vietnam were eroding South Vietnam's defense capabilities, the USSR and the PRC substantially were increasing their military and economic assistance to North Vietnam.

FY 1973 - In the initial period following the Paris Accords of January 1973, the South Vietnamese received substantial U. S. assistance and they performed creditably against North Vietnamese military attacks throughout South Vietnam.

-- The U. S. assistance provided by the U. S. for FY 1973 (\$2.67 billion military assistance and \$312 million economic assistance) provided sufficient strength to the South Vietnamese and at the same deterred North Vietnam from launching a major offensive.

-- During this period, too, North Vietnam and its allies were strategically deterred by the possibility of a potential resumption of U. S. bombing and/or mining operations against North Vietnamese forces.

FY 1974 - During the latter half of 1973, however, the U. S. cut back the amount of military and economic assistance to be provided to the South Vietnamese during FY 1974. At the same time, restrictions were placed on any future U. S. combat role in Indochina. As a result, South Vietnam's defense capabilities and economic reconstruction were undercut and a chief deterrent to renewed large-scale North Vietnamese warfare was effectively eliminated.

-- For military assistance in FY 1974, the U. S. provided about \$823 million (plus \$235 million from prior year authorizations), about 1/3 of the previous year's funding and about half the level of \$1.6 billion requested by the Administration.





-- For economic assistance in FY 1974, the U.S. provided \$333 million (including a supplemental of \$49 million) or about 1/3 less than the level of \$475 million requested by the Administration.

FY 1975 - For FY 1975, further reductions in American assistance further weakened South Vietnam's capability to defend itself and to reconstruct its war-torn economy.

-- For military assistance in FY 1975, the United States provided only \$700 million, well below the previous year's appropriation and less than half the \$1.450 billion requested by the Administration.

-- For economic assistance in FY 1975, the United States provided only \$282 million, also below the previous year's level and less than one-third of the \$750 million requested by the Administration.

Effect of the Cuts - Although the Paris Accords had provided for a one-for-one replacement of military equipment and ammunition, the U.S. was unable to provide any equipment to the South Vietnamese during the past year and it fell far short of replacing military supplies on a one-for-one basis.

-- In spite of strict conservation measures, ammunition, fuel supplies, equipment and spare parts had been running perilously low in South Vietnam.

-- Even before the current North Vietnamese offensive of March and April 1975, large numbers of Government outposts, 11 district towns and Phuoc Long Province -- all previously in Government hands -- had been overrun by well supplied North Vietnamese troops overwhelming South Vietnamese defenders short of critical support.

-- During the past year, the U.S. provided no new military equipment such as artillery, tanks, ships, aircraft, support vehicles to replace equipment lost in combat or worn out. Virtually no spare parts were provided.

-- Of the \$700 million military assistance appropriated, more than \$400 million had to be charged to shipping costs. The remaining \$300 million went almost totally into ammunition.

-- Insufficient funding for spare parts and contractor maintenance personnel as well as major fuel shortages significantly reduced combat capability of the South Vietnamese air force, which had to undertake a 50% reduction in flying hours and a 40-50% cut in close air support, interdiction and transport. Many aircraft, including all of South Vietnam's A-37's, had to be grounded for lack of fuel and spare parts.



-- Because of cuts and shortages, South Vietnam's Navy had to suffer an 82% reduction in its riverine forces and a 1/3 reduction in its sea-going vessels.

-- Ammunition shortages caused by the cut-backs led to severe limitations on defense capabilities of forces under attack and to a drawdown of in-country ammunition stocks which resulted in a short fall to 1/4 of necessary reserves.

-- In other areas, POL levels suffered a 2/3 reduction below the cease-fire levels, medical supplies were virtually depleted and MEDEVAC operations were sharply curtailed.

In the economic sector, the cuts in U.S. assistance, coming on the heels of the worldwide commodity price rises, led to critical reductions in imports essential for maintaining South Vietnam's economy, including POL, cement, insecticides, fertilizers. The resulting shortages contributed to the 40% slowdown in South Vietnam's industrial production and to an increase in the urban unemployment rate to over 30% in some urban areas.

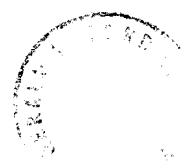
#### C. Soviet and Chinese Assistance to North Vietnam

In contrast to the sharp slashes in U.S. assistance to South Vietnam and notwithstanding their role as guarantors of the Paris Accords and the fact that South Vietnam is not attacking North Vietnam, the USSR and the PRC during 1974 increased their military and economic assistance to their North Vietnamese allies to \$1.7 billion, or 70% above the 1973 levels.

-- During 1974, an estimated \$380 million in ammunition, tanks, artillery, POL, spare parts, air defense equipment and helicopters were sent to North Vietnam by the two Communist superpowers. This substantially exceeded the amount of military supplies (mostly ammunition) being sent by the U.S. to South Vietnam during FY 1975 and further increased North Vietnam's ability to sustain major offensives in South Vietnam.

-- The military assistance figure of \$380 million includes equipment cost only, not transportation costs, for which no precise data are available but which should be added to the value of the Communist assistance program.

-- Also during 1974, the USSR and the PRC sent some \$1.3 billion in economic assistance to North Vietnam, triple the levels of U.S. economic assistance to South Vietnam. This assistance included food, fertilizer, machinery, transport equipment and fuel.

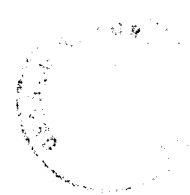


D. Communist Violations of the Paris Accords

Two years ago the United States signed an agreement that climaxed the longest military undertaking in our nation's history. The Paris Accords of January 1973 were endorsed by every great power in the world. They were supported by the United Nations and twelve Guarantor parties (including the USSR and the PRC) and they provided an international framework for the peaceful resolution of the war in Indochina. The Accords included provisions for a cease-fire, an International Control Commission, the accounting of all missing in action, the withdrawal of all foreign troops from Laos and Cambodia, the demobilization of Government and North Vietnamese/VC troops in South Vietnam, steps toward a political settlement and one-for-one replacement of men and equipment.

Now, two years later, Hanoi has torn this agreement to shreds. All of the provisions have been blatantly violated by Hanoi, which between the cease-fire and February 1975:

- Infiltrated some 200,000 troops into South Vietnam for a net build-up of its forces (subtracting casualties) from about 220,000 at the time of the Agreement to 300,000 by January 1975. (Subsequently, additional troops were sent south and in early April 1975 20 North Vietnamese Divisions were in South Vietnam.)
- Tripled the strength of their armor by sending more than 400 tanks South, increased their military capabilities by sending in over 250 heavy artillery pieces, over 1,000 anti-aircraft pieces and many anti-air missiles.
- Constantly violated the Demilitarized Zone between North and South Vietnam and greatly expanded their military logistics system, including depots, roads, pipelines and airfields in South Vietnam.
- Refused to deploy teams to oversee the cease-fire and refused to pay their prescribed share of the expenses of the International Commission of Control and Supervision (ICCS).
- Refused to honor their commitment to cooperate in resolving the status of American and other MIAs and have since mid-1974 refused to meet with U.S. and South Vietnamese representatives to the Four Party Joint Military Team provided for by the Accords.



-- Broke off all talks with the Republic of Vietnam, including the political negotiations in Paris and the Two-Party Joint Military Commission talks in Saigon. They have rejected the Republic of Vietnam's repeated calls for resumption of the negotiations, for the early formation of the National Council of Reconciliation and for the setting of national elections under international supervision.

-- Steadily increased their military pressure, heavily shelling government posts and population centers and overrunning many of these. Before the launching of their current offensive of March and April 1975 they had seized many posts and 11 district towns and a province (Phuoc Long) -- all of which were clearly and unequivocally held by the Government of Vietnam at the time of the cease-fire. In their latest and most massive offensive, into which they have thrown 18 divisions, they attacked and seized all of the provinces in the northern half of South Vietnam.

As a result of these massive violations, the Communist forces generally outnumbered and outgunned the South Vietnamese defenders at the points which the Communists chose to attack, while benefitting from the advantage which the attacker has over the defender in such situations. (If the situations were reversed, and 300,000 South Vietnamese, supported by large quantities of modern armor, artillery, and ammunition attacked defense posts and population centers in North Vietnam, few would wonder that it would be extremely difficult for Hanoi to defend against such attacks.)

#### E. The Best Way to End our Involvement

The U.S. made a commitment to friends, and together with the South Vietnamese sacrificed much for Vietnam's opportunity to choose its own path, free from external aggression. The way the war ends there and the way the U.S. ends its involvement in Vietnam is of vital importance.

-- In the past some argued that if the U.S. cut its aid to South Vietnam the fighting would be reached and we would force a political settlement fair to all. The reverse happened: Cutting aid actually increased the fighting and the dying.

-- Some now argue that granting any additional aid would be useless or that it could mean a major U.S. recommitment in Indochina. But we are on our way out not in. The Administration is not asking for a new commitment which would lead us down the path of greater involvement.

-- The Administration is seeking to assure the possibility of stabilizing the situation so that the South Vietnamese can be supported in their self-defense and in their great economic need and so that the Communist side will have an incentive to turn from war to negotiations.

-- How we end our involvement is vitally important. We have made many sacrifices and have a tremendous investment in the outcome. Fifty thousand Americans died there and we were spending \$30 billion a year. We have already spent 97% of what it will take to end U.S. involvement, but the final three percent is critical to preserving what was built there and to prevent a disaster which would have major adverse consequences not only in Indochina but throughout the world, for both allies and adversaries alike. Thus, for want of a small additional amount, all may have been for naught, and much new suffering will be the result.

-- If we now abandon the South Vietnamese in their hour of need, our credibility as an ally would be totally lost. Our insistence on the importance of international agreements such as the Paris Accords or the International Guarantor Conference Protocols would be totally undercut.

#### The U. S. Stakes

The U. S. stakes are great. The international setting and provisions of the Paris Accords and the International Guarantor Conference clearly reflect U. S. responsibilities in Indochina. They also demonstrate U. S. understanding that forcible conquest is not only repugnant to America's profoundest traditions, but that it also has serious destabilizing effects with worldwide implications.

-- In Moscow and Peking, in the capitals of our Pacific and NATO allies and in the Middle East, adversaries and allies alike, view the U. S. willingness to assist its Indochinese allies and to work for the fulfillment of the Paris Accords, as a fundamental gauge of American determination to keep faith with those under attack and to oppose militant and adventurist policies.

-- Past sacrifices in Indochina and the determination to continue to work for a peaceful and lasting settlement there contributed in no small measure to the peaceful development of the Pacific nations and to a number of major U. S. foreign policy accomplishments involving the most fundamental issues of detente.

-- The world's perception of U. S. resolve plays a vital role in our continuing efforts to resolve a number of inter-related strategic issues. Stability in Southeast Asia and in the Middle East, U. S. -Soviet negotiations, U. S. -PRC. relations -- these and other major issues will be effected by the degree of resolve in Indochina and by the outcome there.

#### The Basic Issue

The question now is whether this country, knowing the sacrifices and stakes involved, will reward Hanoi's aggression and deprive the South Vietnamese of the means of defending themselves against intensified attack and of the means of assisting their many refugees.

-- With timely American assistance, the South Vietnamese have a chance to stabilize the situation and thus to provide an essential incentive for the North Vietnamese to negotiate and to and to turn from the path of war to the path of peace. Without such assistance, they have no hope.

-- America has never abandoned an ally before. Such an abandonment would have enormous and shameful consequences.

-- Failure to help our allies in their extremity, failure to honor our pledges and failure to secure the implementation of the Paris Accords, would have adverse repercussions extending far beyond Indochina and would deeply erode the credibility of the U. S. and its ability to conduct an effective diplomacy in the world.



## SUPPLEMENTAL ASSISTANCE FOR CAMBODIA

MARCH 21 (legislative day, MARCH 12), 1975.—Ordered to be printed

MR. SPARKMAN, from the Committee on Foreign Relations,  
submitted the following

## REPORT

together with

## MINORITY VIEWS

[To accompany S. 663]

The Committee on Foreign Relations, to which was referred the bill (S. 663) to provide additional military assistance authorizations for Cambodia for the fiscal year 1975, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

## PURPOSES OF THE BILL

The principal purposes of the bill are (1) to establish a United States policy which is designed to bring about an end to the conflict in Cambodia not later than June 30, 1975; (2) to authorize limited additional military and economic assistance for Cambodia for the purpose of achieving that objective; and (3) to end all United States military assistance to Cambodia by June 30, 1975.

## SUMMARY OF THE COMMITTEE RECOMMENDATIONS

The Foreign Assistance Act of 1974 imposes a ceiling of \$377,000,000 on assistance to Cambodia in FY 1975, \$200,000,000 of which can be military assistance. In addition, however, the Act permits the furnishing of an additional \$75,000,000 in Department of Defense supplies and services under Section 506 of the Foreign Assistance Act of 1961, as amended, making the effective ceiling for the fiscal year \$452,000,000. That ceiling has been reached, as shown in Table I.



Under the bill recommended by the Committee, increments of additional aid above the amounts already obligated may be furnished to Cambodia in each of three thirty-day periods, beginning on the date of enactment, if (1) the President reports to Congress in each period concerning certain enumerated requirements designed to bring an end to the conflict and the safe passage out of Cambodia of those who fear for their safety, and (2) Congress does not within ten days adopt a concurrent resolution disapproving the report.

In addition to the assistance allowed under the \$377,000,000 ceiling on assistance to Cambodia in FY 1975, the bill allows the following assistance for each of the three thirty-day periods:

1. Regular military assistance from funds already authorized and appropriated	\$20,000,000
2. Department of Defense stocks and services under sec. 506 of the Foreign Assistance Act of 1961	7,500,000
3. Food assistance under Public Law 480	19,150,000
4. General AID economic assistance of a humanitarian nature	5,150,000
Total allowable in each of the 3 30-day periods	51,800,000

The availability of each increment of additional aid is conditioned on the President reporting to Congress that the following steps are being taken:

(1) That the United States is undertaking specific steps to achieve an end to the conflict in Cambodia not later than June 30, 1975;

(2) That the Government of Cambodia is actively pursuing specific measures to reach a political and military accommodation with the other side in the conflict;

(3) That initiatives have been taken toward the other side to obtain (a) a peaceful and orderly conclusion to the conflict, including safe passage out of Cambodia for those persons who desire to leave the country, (b) help and appropriate care for the refugees and victims of the conflict, and (c) assurances that combatants and prisoners will be treated in accordance with the provisions of the Geneva Convention on Prisoners of War; and

(4) That the United States, pursuant to United Nations General Assembly resolution 3238, is requesting the Secretary-General, after due consultation, to lend assistance to achieve a peaceful and orderly conclusion to the conflict, including, if appropriate, the use of peacekeeping forces.

In addition, the bill:

Prohibits further military assistance or sales (including deliveries) to Cambodia after June 30, 1975.

Requires that at least 50 percent of the Public Law 480 food aid for the remainder of the fiscal year be in the form of grants for humanitarian purposes under Title II of that Act.

Stresses that United States economic assistance shall be distributed to the maximum extent possible through international organizations and voluntary agencies.

Reiterates provisions of existing law which state that the furnishing of aid shall not be construed as a commitment to defend Cambodia.

Requires a report from the President every thirty days until June 30, 1975 concerning the distribution of assistance through international organizations and voluntary agencies.

TABLE I.—Summary of assistance authorized for Cambodia—fiscal year 1975

(Including conditional authorizations in S. 663)

I. Current obligations:

1. Military:

(a) Military assistance (MAP)	<sup>1</sup> \$200,000,000
(b) Drawdown of Department of Defense supplies and services	75,000,000

Total obligations for military assistance— 275,000,000

2. Economic assistance:

(a) AID economic assistance	84,500,000
(b) Public Law 480 commodity assistance	92,500,000

Total obligations for economic assistance— 177,000,000

Total obligations— 452,000,000

II. Additional assistance allowed on a conditional basis under S. 663:

1. Military:

(a) Military grant assistance (already authorized)	60,000,000
(b) Drawdown of Department of Defense supplies and services	22,500,000

Total additional military assistance— 82,500,000

2. Economic assistance:

(a) AID economic assistance (already authorized)	15,450,000
(b) Public Law 480 commodity assistance	57,450,000

Total additional economic assistance allowed on a conditional basis— 72,900,000

Total additional military and economic assistance allowed on a conditional basis— 155,400,000

Total allowable assistance program for Cambodia, fiscal year 1975— 607,400,000

<sup>1</sup> Does not include \$21,500,000 in ammunition being furnished during fiscal year 1975 which the executive branch contends was financed out of fiscal year 1974 obligations.

COMMITTEE COMMENTS

The Committee on Foreign Relations has consistently viewed the United States involvement in Cambodia with apprehension. On April 30, 1970, the initial date of the incursion by U.S. military forces into Cambodia, the Committee issued a statement which contained the following:

In a meeting with the Secretary of State last Monday, Members of the Foreign Relations Committee were virtually unanimous in expressing their deep concern over the possibility



of any action by the United States that might involve our nation further, directly or indirectly, in the changing situation in Cambodia.

Subsequently, members of the Committee have initiated, and the Committee has endorsed, a series of legislative proposals designed to restrict and confine the degree of U.S. involvement in Cambodia. The most recent of these was the inclusion in the Foreign Assistance Act of 1974 of strict ceilings on U.S. assistance "in, to, for, or on behalf of Cambodia."

In considering the Executive Branch's supplemental request for assistance for Cambodia, the Committee took into account a number of factors: the current military situation; the condition and capability of the existing government in Phnom Penh; the nature of the U.S. obligation, if any, to Cambodia; and the prospects for ending the Cambodian conflict by a cease-fire—negotiated or otherwise. With regard to the last of these, it was agreed by all members that a cease-fire in Cambodia is imperative.

Throughout the Committee's discussion of this decision the primary concern of its members was how the present and prospective bloodshed in Cambodia could be minimized. In this respect the possibility that an insurgent victory would be followed by a bloodbath weighed heavily on the minds of the members. Reference was made to testimony on this point before the Committee by members of Congress who recently visited Southeast Asia. On March 6, 1975, for example, Representative Millicent Fenwick testified as follows:

There is no doubt that the horror, the terror, of the Khmer Rouge is something that I have never witnessed. Nothing like this has ever been rumored even in Vietnam. Nobody knows exactly why this terror has reached the atrocities and the pitch in a place that was supposed to be composed of peaceful people.

Other testimony which Committee members found impressive was that of Representative Paul N. McCloskey who stated that Cambodian refugees had told him:

When the Khmer Rouge came into the village, they had summarily called out people to be executed, school teachers, two people in one village, and ten in another, 15 in another, all government civil servants, anyone who the communist side could expect to ultimately be an opponent of the communist government.

Committee members acknowledged the reality that the continuation of the war in an effort to avoid occurrences such as those described would itself involve continued deaths in battle by bombardment and as a result of starvation and malnutrition. The critical difference, in the view of some members, is that the pattern of killings described by the Cambodian refugees could result in the deliberate extermination of much of the Cambodian middle class.

Members of the Committee agreed that it should be clearly understood that this supplemental assistance would be extended on a conditional basis, only for three major purposes:

1. To permit additional time during which efforts to obtain a cease-fire should be accelerated;
2. To permit the evacuation of those who fear for their safety under a government controlled by the insurgent forces; and
3. To provide humanitarian food, medical, and other assistance to the suffering Cambodian people.

The bill recommended by the Committee would make it United States policy to seek to achieve an end to the conflict in Cambodia by insuring that certain specific steps are taken before the additional limited assistance authorized by the bill can be provided to Cambodia in monthly increments. It requires that the President report to Congress each month that:

- (1) The United States is taking specific steps to end the fighting by not later than June 30, 1975;
- (2) The Cambodian government is trying to reach a political and military accommodation with the other side;
- (3) Initiatives have been taken toward the other side to achieve an orderly end to the fighting, including safe passage for those wishing to leave and appropriate help for refugees; and
- (4) The United States seeks the involvement by the United Nations in attaining an orderly end to the conflict.

Congress would be allowed ten days within which to reject the report required to be submitted by the President explaining the specific steps being taken in carrying out the above requirements.

In recommending this limited and conditional supplementary assistance, the Committee has reiterated the policy statement first included in the Cambodian aid authorization act enacted in 1971 (P.L. 91-652), a statement which is permanent law. This provision, restated in subsection (c) of the bill reads:

Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

The Committee has never considered, and does not now consider that the United States has any commitment whatsoever to defend any government of Cambodia.

The decision by the Committee to recommend additional economic assistance to Cambodia was by a vote of 14 to 2. The amount recommended is the amount needed, according to the Executive Branch. In passing, the Committee notes that the current authorization for food aid includes the entire amount originally requested by the Executive Branch and all but \$10,000,000 of the economic aid originally requested.

In recommending additional economic assistance the Committee makes the following recommendations regarding the implementation of the food aid and humanitarian relief program:

- (1) Food assistance should be furnished, to the maximum extent practicable, under the auspices of and through international agencies or private voluntary agencies. The Committee gave serious consideration to an amendment offered by Senator Pell which would have required that all future obligations for economic as-

sistance be for aid through international agencies and voluntary organizations only. Although many members of the Committee strongly supported the objective of that proposal, a majority felt that the international and voluntary agencies were not prepared to assume the full burden of distributing food and other humanitarian relief aid in Cambodia at the present time. The Committee is aware of the heroic relief efforts being carried out by the voluntary agencies in Phnom Penh and hopes that American officials will help to insure the safe departure of their personnel, including particularly their Cambodian national employees, from the country in the event this becomes necessary. All possible assistance should be rendered by the United States to encourage and assist the personnel of the voluntary relief agencies.

(2) The Committee has included language to require that at least 50 percent of future P.L. 480 food aid be provided under Title II for humanitarian relief purposes. This will write into law a principle endorsed by the Senate without opposition in Senate Resolution 94 on March 10, 1975. It appears highly questionable during a period of uncontrolled inflation and total economic disintegration to continue the past practice of selling P.L. 480 food to starving and grossly undernourished people in order to generate currency for government activities.

(3) The Committee believes that every reasonable effort should be made to assist in getting adequate food to children and others in urban areas who are not officially classified as refugees. Under the chaotic conditions that prevail in Cambodia, starvation affects refugees and local residents alike. To the maximum extent feasible U.S. food aid should be provided to the needy without regard to whether they are officially listed on the refugee rolls.

(4) In view of the magnitude of the food distribution problem in Cambodia, the Committee believes that all possible efforts should be made to provide foodstuffs of the highest nutritional value in the relief program. Brown rice instead of milled rice, for example, should be provided whenever feasible.

In conclusion, the Committee on Foreign Relations recommends the authorization of limited additional military and economic assistance conditional on the taking of specific steps toward bringing about an end to the conflict. The Committee hopes that a cease-fire can be arranged at once in order to minimize further tragedy. In any case, the bill cuts off all military assistance to Cambodia on June 30, 1975, thus finally ending the United States military involvement in Cambodia's civil war. In the view of a majority of the Committee, the approach recommended in this bill offers the best hope for avoiding on the one hand the kind of chaotic, uncontrolled situation that would inevitably result from a refusal to extend any additional military aid and, on the other hand, a perpetuation of the fighting without hope of a solution, as the Executive Branch's legislative proposal would do. There are no good solutions for the Cambodian tragedy. The Committee, however, believes that its recommendations are the most responsible of the limited alternatives available.

## COMMITTEE ACTION

On January 28, 1975, President Ford transmitted a message to Congress requesting the authorization and appropriation of an additional \$222,000,000 for military assistance to Cambodia and the removal of the ceiling on aid to Cambodia. On the same day, a draft bill to authorize the assistance requested and to repeal the ceiling was transmitted to the President of the Senate in a letter from Assistant Secretary of State Linwood Holton. The draft bill was introduced by Senator Sparkman, by request, on February 11, 1975. Public hearings were held on S. 663 on February 24, 1975 and March 6, 1975 by the Subcommittee on Foreign Assistance and Economic Policy, at which the following witnesses were heard:

FEBRUARY 24, 1975

### EXECUTIVE BRANCH WITNESSES

Mr. Philip C. Habib, Assistant Secretary of State for East Asian and Pacific Affairs, Department of State  
Mr. John Murphy, Deputy Administrator, Agency for International Development, Department of State  
Lt. Gen. H. M. Fish, Director, Defense Security, Assistance Agency, Department of Defense

MARCH 6, 1975

### CONGRESSIONAL AND PUBLIC WITNESSES

Members of congressional delegation to visit Indochina:

Senator Dewey Bartlett (Republican of Oklahoma)  
Congresswoman Bella Abzug (Democrat of New York)  
Congresswoman Millicent Fenwick (Republican of New Jersey)  
Congressman William V. Chappell, Jr. (Democrat of Florida)  
Congressman Donald M. Fraser (Democrat of Minnesota)  
Congressman Paul N. McCloskey, Jr. (Republican of California)  
Congressman John J. Murtha (Democrat of Pennsylvania)

Senator Mark O. Hatfield (Republican of Oregon)

Professor George Kahin, Cornell University, representing the Friends Committee on National Legislation

Rev. Donald E. Rowe, Church of the Brethren, Washington, D.C.

Tom Hayden, Indochina Peace Campaign, Los Angeles, California

The subcommittee considered the bill in executive session on March 11, 1975. By a vote of 4 to 3, the subcommittee adopted an amendment to authorize the use of an additional \$125,000,000 in Department of Defense supplies and services for aid to Cambodia. Voting yea were McGee, Case, Javits, and Scott. Voting nay were Church, McGovern and Humphrey. Subsequently, the subcommittee, by a voice vote, agreed to report the bill with the amendment in the nature of a substitute to the full committee. The full committee met on

March 17, 1975, to consider S. 663 and took the following record votes on it:

1. Senator Pell's amendment in the nature of a substitute to the bill recommended by the Subcommittee. It would have provided no additional military aid and have required the additional economic aid to be distributed through international organizations and voluntary agencies. Rejected 5 yeas to 11 nays. Those voting yea were: Church, Pell, McGovern, Humphrey, and Clark. Those voting nay were: Symington, McGee, Biden, Case, Javits, Scott, Pearson, Percy, Griffin, Baker, and Sparkman.

2. To adopt subsection (a) of the subcommittee bill authorizing use of \$125 million in drawdown authority for additional military aid to Cambodia. Rejected by a vote of 8 yeas to 8 nays. Those voting yea were: McGee, Case, Javits, Scott, Pearson, Griffin, Baker, Sparkman. Those voting nay were: Church, Symington, Pell, McGovern, Humphrey, Clark, Biden, and Percy.

3. To adopt subsection (b) of the subcommittee bill relative to additional authorizations for food aid. Adopted 14 to 2. Those voting yea were: Church, Symington, Pell, McGee, McGovern, Humphrey, Clark, Case, Javits, Scott, Pearson, Griffin, Baker, and Sparkman. Those voting nay were: Biden and Percy.

4. Amendment by Senators Percy and Javits to provide conditional authorizations of three increments of additional military and economic aid through June 30, 1975, with military assistance to end on that date. Adopted by a vote of 9 yeas to 8 nays. Those voting yea were: McGee, Case, Javits, Scott, Pearson, Percy, Griffin, Baker, and Sparkman. Those voting nay were: Mansfield (recorded later), Church, Symington, Pell, McGovern, Humphrey, Clark, and Biden.

The bill, as amended, was then ordered reported to the Senate with a favorable recommendation by a voice vote.

#### COST ESTIMATES

Section 252(a)(1) of the Legislative Reorganization Act of 1972, requires that committee reports on bills and joint resolutions contain:

(A) An estimate made by such committee of the costs which would be incurred in carrying out such a bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year \* \* \*

The committee estimates that the cost of carrying out the provisions of this bill during fiscal year 1975 will be \$37,950,000. This estimate assumes that the additional military assistance and Public Law 480 food assistance, amounting to \$117,450,000, allowed for Cambodia under the bill would be used in other countries during the fiscal year if this bill is not enacted.

#### SECTION-BY-SECTION ANALYSIS

##### *Sec. 1(a) Amendments to the Foreign Assistance Act of 1961*

Sec. 1(a) amends section 655 of the Foreign Assistance Act of 1961 by adding new subsections (h), (i), and (j).

#### *New Subsection (h)—Policy to End Conflict in Cambodia and U.S. Military Assistance*

New subsection (h), sponsored by Senators Percy and Javits, establishes a new national policy relative to Cambodia designed (1) to achieve an end to the conflict in that country by not later than June 30, 1975, and (2) to end all United States military assistance by that date. The new subsection (i) implements the policy to end military assistance by imposing a prohibition on the furnishing of military aid to Cambodia after June 30, 1974.

In order to carry out the stated policy the subsection authorizes, on a conditional basis, additional military and economic assistance to Cambodia above the amounts allowed under the FY 1975 ceiling on assistance to that country set forth in subsection (a) of section 655 of the Foreign Assistance Act of 1961, as amended. Under that provision, a ceiling of \$377,000,000 was imposed on obligations for assistance to Cambodia in FY 1975. \$200,000,000 of that could be military grant assistance but, in addition, the ceiling allowed \$75,000,000 in defense articles and defense services to be provided under the drawdown authority of section 506 of the Foreign Assistance Act of 1961. Thus, the effective ceiling for FY 1975 on military assistance is \$275,000,000 and the ceiling on overall assistance is \$452,000,000. That ceiling has been reached, as shown earlier in Table I.

The additional assistance which would be authorized by S. 663, would be allowed in three increments for the three thirty-day periods remaining in this fiscal year, but only after the President reports to Congress during each period, that—

(1) The United States is undertaking specific steps to achieve an end to the conflict in Cambodia not later than June 30, 1975, in order to relieve human suffering and to end all United States military assistance to Cambodia by such date;

(2) The Khmer Republic is actively pursuing specific measures to reach a political and military accommodation with the other side in the conflict;

(3) Initiatives have been taken toward the other side to obtain (1) a peaceful and orderly conclusion to the conflict, including safe passage out of Cambodia for those persons who desire to leave the country, (2) appropriate care and help for the refugees and victims of the conflict, and (3) assurances that combatants and prisoners will be treated in accordance with the provisions of the Geneva Convention on Prisoners of War; and

(4) The United States, pursuant to United Nations General Assembly resolution 3238, is requesting the Secretary-General, after due consultation, to lend assistance to achieve a peaceful and orderly conclusion to the conflict, including, if appropriate, the use of peacekeeping forces.

If the Congress, within ten calendar days after receiving the President's report, adopts a concurrent resolution rejecting the report, the assistance cannot be provided.

The total additional assistance allowed, provided that these conditions are met, is shown on the following table:

ADDITIONAL ASSISTANCE MADE AVAILABLE CONDITIONALLY UNDER S. 663  
[In millions]

Time period	From general military assistance funds	From DOD drawdown authority	Total military assistance	Public Law 480 food aid	AID economic aid	Total additional assistance per period
1st 30 days.....	\$20.0	\$7.5	\$27.5	\$19.15	\$5.15	\$51.8
2d 30 days.....	20.0	7.5	27.5	19.15	5.15	51.8
3d 30 days.....	20.0	7.5	27.5	19.15	5.15	51.8
Total.....	60.0	22.5	82.5	57.45	15.45	155.4

<sup>1</sup> Total additional assistance for the 3 periods.

Paragraph (1) of the new subsection (h) would authorize three monthly increments of \$20,000,000 each in military grant assistance from the funds appropriated for the regular military assistance program in FY 1975. It would not authorize additional appropriations. The Department of Defense stated that, as of March 4, 1975, a total of \$274,675,000 had been obligated for military assistance to Cambodia as shown on the table below:

FISCAL YEAR 1975 KHMER REPUBLIC OBLIGATIONS AS OF MAR. 4, 1975  
[Thousands of dollars]

	MAP funded	MAP unfunded <sup>1</sup>	Sec. 506 drawdown	Total
Aircraft (including spares).....	645	1,210	1,262	3,117
Ships (including spares).....	1,474		947	2,421
Vehicles and weapons (including spares).....	3,308	505	787	4,701
Ammunition.....	110,196	12,755	50,578	173,529
Missiles (including spares).....	420	54	211	685
Comm. equip. (including spares).....	15,291	191	1,238	16,720
Other equip. and supplies.....	343			343
Construction.....	4,911		3,363	8,274
Repair and rehab. of equip.....	4,351		2	4,353
Training.....	1,064		221	1,285
Tech. assist. and spec. services.....	38,764		16,391	55,155
Supply operations.....		4,092		4,092
Administration and support.....				
Total.....	180,767	18,908	75,000	274,675

<sup>1</sup> Includes redistributable MAP material, overseas excess defense articles, MEDTC administrative costs (including military pay), and USAF maint./support costs (including military pay) for U.S. aircraft used under the Bird Air Co. contract. These costs are charged to the Cambodia ceiling but not to MAP funds.

Note: Final obligation made Feb. 28, 1975.

Source: Department of Defense.

However, on the day the full Committee considered this bill, it was reported in the press that the Executive Branch, through adjustments in the pricing of ammunition programmed for Cambodia in FY 1974, had decided to make available \$21,500,000 in ammunition over and above the amounts of military assistance already provided in FY 1975, as shown in the table above. The Committee is deeply concerned over this development which violates the spirit and intent, if not the letter, of the ceiling on FY 1975 assistance to Cambodia. It will pursue the general issue involved in pricing of military assistance

materials in connection with its work on FY 1976 foreign assistance legislation. The General Accounting Office has been asked by Senator Pearson to investigate the incident. It is the intent of the Committee that any part of the \$21,500,000 in ammunition that has been or may be delivered shall be deducted from the additional authorizations of military assistance allowed on a conditional basis under paragraphs (1) and (2) of the new subsection (h). Under no circumstances is the \$21,500,000 assistance at issue, which is said to be derived from FY 1974 obligations, to be allowed in addition to the \$82,500,000 of military assistance authorized on a conditional basis under these paragraphs.

The Committee is also concerned about the lack of effective controls and procedures for use of excess and reprogrammed supplies in the military assistance program for Cambodia. The following excerpts from a March 18, 1975 report to the Committee by the General Accounting Office indicate some of the problems the GAO investigators encountered:

#### EXCERPTS FROM REPORT TO THE CHAIRMAN OF THE COMMITTEE ON FOREIGN RELATIONS FROM THE COMPTROLLER GENERAL

##### EXCESS DEFENSE ARTICLES AND MAP REDISTRIBUTABLE PROPERTY

Defense reported that, as of December 31, 1974, excess defense articles valued at \$419,000 and MAP redistributable property valued at \$14.3 million were provided to Cambodia. Defense Security Assistance Agency officials advised us that the amounts reported represent the fair market value of the item, but not less than one-third of the acquisition cost. From our limited review, we are not satisfied that the procedures and controls are adequate to insure that all excess defense articles and MAP redistributable property delivered to Cambodia are included in the ceiling report or that the amounts reported are correct.

We noted that program lines are authorized for excess defense articles and MAP redistributable property, but the authorization does not fix a dollar limit on the amount which can be provided. Defense Security Assistance Agency officials stated that, although the authorized program lines do not establish a dollar limit, the ceiling will not be exceeded because the Commander in Chief, Pacific, controls the delivery of such material to Cambodia. The Agency, however, does not receive sufficient documentation to insure that all deliveries of excess defense articles and MAP redistributable property will be reported.

The delivery of a large quantity of ammunition from Laos to Cambodia provides an example of the inadequate controls with respect to excess defense articles and redistributable property. We were advised that a large amount of ammunition owned by the Laos MAP was transferred to Cambodia. The December 31, 1974, ceiling report included \$12.7 million for ammunition obtained from other MAP countries, and we

were told that about \$12.1 million of this amount came from the Laos program. However, no documentation was available at the Defense Security Assistance Agency to substantiate this transfer from Laos to Cambodia. We were told that a value for this ammunition transfer was reported on the basis of verbal instructions and that the amount reported represented only 50 percent of the acquisition value, although no information was available at the Agency concerning the condition of the ammunition.

For a number of years the Committee has attempted to bring about more effective Congressional control over the use of so-called excess defense materials in the military aid program. Much remains to be done, however, and it will continue these efforts during work on FY 1976 foreign aid legislation.

Prior to the public disclosure of the furnishing of the \$21,500,000 in additional ammunition, after the ceiling on military aid had been reached, the Committee was informed by the Department of Defense that the depletion date for the ammunition available to Cambodia under the ceiling would be about April 18, 1975. According to staff estimates the \$21,500,000 in additional ammunition should be sufficient to last for an additional 20 days at the current rate of usage, 450 tons per day.

#### PARAGRAPH (2)—DRAWDOWN AUTHORITY

Paragraph (2) would authorize the use for Cambodia of supplies and services from the Department of Defense at a rate of not to exceed \$7,500,000 for each of the three thirty-day periods.

Section 506(a) of the Foreign Assistance Act of 1961, as amended, provides:

During the fiscal year 1975, the President may, if he determines it to be in the security interests of the United States, order defense articles from the stocks of the Department of Defense and defense services for the purposes of part II, subject to subsequent reimbursement therefor from subsequent appropriations available for military assistance.

The value of such orders under this subsection in the fiscal year 1975 shall not exceed \$150,000,000.

This provision allows the use of up to \$150,000,000 of Department of Defense stocks and services in fiscal year 1975 for military assistance to foreign countries, above the amount appropriated for the regular military assistance program. It is in the nature of a military assistance emergency fund and is commonly called drawdown authority.

Under section 39(a) of the Foreign Assistance Act of 1974, up to \$75,000,000 of the \$150,000,000 in drawdown authority available in fiscal year 1975 may be used to provide military assistance to Cambodia in addition to the \$200,000,000 in regular military assistance allowed under that section, making a total ceiling of \$275,000,000 on obligations for military assistance to that country in this fiscal year. Paragraph (2) authorizes the use of up to \$7,500,000 in each of the three periods until June 30, 1975, if the conditions specified are met to the satisfaction of Congress.

#### PARAGRAPH (3)—ADDITIONAL AUTHORIZATIONS FOR FOOD ASSISTANCE

Paragraph (3) of the new subsection would allow the furnishing of \$19,150,000 in additional food aid, during each of the three periods, under the Agricultural Trade Development and Assistance Act (P.L. 480) for assistance to Cambodia in FY 1975 above the amounts obligated under the current ceiling. The Foreign Assistance Act of 1974 imposed a ceiling of \$377,000,000 on total assistance to Cambodia in FY 1975, other than for military assistance provided through the drawdown authority of section 506 of the Foreign Assistance Act of 1961. Under the ceiling, \$177,000,000 in economic assistance could be furnished, in addition to the \$200,000,000 in regular military assistance allowed. Although the Foreign Assistance Act of 1974 contained a specific authorization of \$100,000,000 for regular economic assistance to Cambodia, it did not stipulate how the \$177,000,000 should be allocated between that type of economic assistance and food aid under P.L. 480. As of March 12, 1975, \$175,500,000 had been obligated, \$83,000,000 for general economic assistance and \$92,500,000 for P.L. 480 food aid, shown in the following table:

CAMBODIA—FISCAL YEAR 1975 ECONOMIC AND PUBLIC LAW 480 ASSISTANCE REQUIREMENTS AND OBLIGATIONS  
[Millions of dollars]

Category	Obligations against current \$177,000,000 ceiling	Requirements	
		Tons	Dollars
<b>A. Economic (IPR):</b>			
1. Commodity import program.....	52.8		64.9
(a) General licensing.....	(8.0)		(8.0)
(b) POL.....	(17.5)		(21.0)
(c) Fertilizer freight.....	(1.0)		(1.0)
(d) Public Law 480 freight.....	(20.8)		(29.4)
(e) Internal transportation.....	(5.5)		(5.5)
2. Exchange support fund.....	10.1		13.1
3. Humanitarian assistance.....	18.5		20.0
4. Technical support.....	1.6		2.0
Subtotal.....	83.0		100.0
<b>B. Food:</b>			
1. Title I rice.....	80.0	294,000	124.5
2. Title I wheat.....		34,000	6.0
3. USDA-financed freight (title I and title II).....	3.0		10.0
4. Title II:			
Rice.....	8.5	20,000	8.5
Other.....	1.0		1.0
Subtotal.....	92.5		150.0
<b>C. Total economic and food.....</b>	<b>175.5</b>		<b>250.0</b>
<b>D. Shortfall (\$250 requirement minus \$177 ceiling).....</b>	<b>1.5</b>		<b>73.0</b>

<sup>1</sup> Unobligated balance as of Mar. 1, 1975, of which \$900,000 reserved for humanitarian assistance and \$500,000 to be used for MOB and technical support.

Source: Agency for International Development.

The Committee has allowed a total of \$149,950,000 for P.L. 480 obligations for Cambodia in FY 1975, an increase of \$57,450,000 above the amount now obligated. It should be pointed out that the additional obligations allowed are needed only for the purpose of keeping the food pipeline filled, not for immediate food supplies. According to the



testimony before the Committee by Mr. John Murphy, Deputy Administrator of the Agency for International Development, food assistance " \* \* in the pipeline, assuming that it gets delivered, is estimated to carry us through June." Approximately 700 metric tons per day are now being flown by airlift into Phnom Penh. The amount of rice in the pipeline is shown below:

*Status of rice assistance in the pipeline, (AID, Mar. 14, 1975) (tons)*

To be shipped from U.S. ports-----	18,680
En route-----	23,743
Awaiting transshipment in Saigon-----	59,172

Total in pipeline-----	101,595
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In approving the additional food aid the Committee has included language stating that "primary emphasis shall be given to relieving human suffering." Under the bill approved by the Committee humanitarian aid can be made available to any new government that may emerge from the present situation.

The following material concerning the rice distribution problem in Cambodia, prepared by the Agency for International Development, is included for informational purposes:

**CAMBODIAN RICE DISTRIBUTION**

(Prepared by AID, March 12, 1975)

The Kmer Government controls the rice marketing system throughout Cambodia. The Ministry of Commerce (MINCOMER) has been designated as the control agency for establishing quotas for the military, civil servants, the province refugees and the civilian population. Sonexim, an agency under the Ministry of Commerce, is the Cambodian Government's importing agency which controls the receiving, warehousing, issuing and financial accountability for all rice, including PL 480 Title I. Rice is sold to the military, civilian agencies, including volags, or through commercial outlets. Even though Title II donated rice has now begun arriving in Cambodia, volags will, for the present, continue to use some local currencies provided by the GKR to purchase rice for free issues to some needy Khmers.

The Phnom Penh population, which includes over a million refugees, accounts for about 80 per cent of all rice consumed in Cambodia. Rice reserves there are estimated at about 11,000 tons, about a 15 day supply. Kompong Som stocks are at a level of about 15,000 tons. However, the enemy has restricted movement of any of this rice into Phnom Penh. As you are aware, enemy activity has cut off all land and sea entry into the capital of Phnom Penh. Rice, ammunition and other critically needed supplies are now being flown into Phnom Penh from Saigon and Utapao. Approximately 150 tons daily from the rice being airlifted is part of the recently approved 20,000 ton Title II emergency rice program. This

rice will be controlled and distributed free to needy Khmers through international and U.S. voluntary agencies (Volags) such as CARE, CRS, LWR, WVRO, UNICEF, and ICRC. We have authorized direct transfer of this rice from aircraft to the Volags.

Since we have only recently initiated a Title II emergency rice program, detailed allocations for all airlifted rice have not been determined. However, on the basis of a 700 ton daily airlift, we visualize daily allocations along the following lines:

	Tons
Refugees and needy people (primarily title II)-----	150
Military and dependents (title I)-----	200
Civil servants and dependents (title I)-----	70
Balance of civilian population (title I)-----	280
Subtotal-----	700
Provinces (title I)*-----	125
Total-----	825

\*This rice will come from the approximately 15,000 tons now located in Kompong Som.

**CAMBODIA CIVIL AIRLIFT**

(Prepared by AID (March 12, 1975))

AID is using funds obligated under the Commodity Import Program Agreement with Cambodia to finance the cost of airlift of rice and POL products to Phnom Penh. \$5.5 million of funds under the current \$62.8 million agreement with the GKR has been set aside to cover airlift charges through the last week in March. AID is paying for five DC-8 stretch cargo jets hauling rice and kerosene from Saigon to Phnom Penh. Currently a daily average of 545 metric tons of rice is being airlifted from Saigon; this will expand to 700 metric tons per day shortly. In addition, AID is paying for airlifting approximately 120 metric tons of petroleum products per day from Thailand.

The basic cost of the airlift is \$33,000 per day per DC-8. This includes fuel, crew services, and maintenance. Therefore, the basic cost per day for the equivalent of six DC-8 stretch jets (or their equivalent) is about \$198,000. In addition to the basic costs, AID will pay approximately \$500,000 for positioning and depositing aircraft in the orient and about \$600,000 for ground handling service contracts. This adds roughly another \$35,000 per day to the costs, bringing the total daily cost of the civil airlift to approximately \$233,000.

*Paragraph (4)—Authorization To Use Other Funds for Humanitarian Assistance*

Paragraph (4) authorizes the use of up to \$5,150,000 for each of the thirty-day periods for additional economic assistance to Cambodia, other than food aid under P.L. 480. Under section 36 of Public Law 93-559, \$100,000,000 in general economic assistance was authorized for

Cambodia. However, because of the ceiling \$15,500,000 cannot be used since food aid under P.L. 480 was of first priority in determining the types of aid to be provided under the ceiling. The Committee's recommendation would allow a total of \$14,450,000 of the unobligated appropriations remaining under the authorization to be used for general humanitarian assistance, such as medical supplies, if the required progress toward a settlement is made to the satisfaction of the Congress.

*Subparagraphs (i), (ii), (iii), and (iv)—Specific Steps To Be Taken*

In order for the additional assistance under paragraphs (1), (2), (3), and (4) to be made available in each of the thirty-day periods, the President must report in detail to Congress during the period that certain specific steps, enumerated in subparagraphs (i), (ii), (iii), and (iv), are being taken. Those requirements are described in the general analysis of the new subsection (h) and will not be repeated here.

If the Congress, within ten calendar days after receiving the President's report, adopts a concurrent resolution stating in substance that it does not approve the provisions of the report, the additional aid cannot be provided.

*New Subsection (i)—Prohibition on Military Aid or Sales to Cambodia After June 30, 1975*

The new subsection (i), sponsored by Senator Humphrey, implements the policy expressed in the first sentence of the new subsection (h). It prohibits the delivery of any further military assistance or sales articles or services to Cambodia after June 30, 1975. The prohibition cannot be waived.

*New Subsection (j)—Emphasis on Humanitarian Assistance and International and Voluntary Agencies*

Paragraph (1) of the new subsection (j) further emphasizes the Committee's intent that U.S. food assistance be used for humanitarian, not commercial or local currency generation purposes. It requires that not less than 50 percent of the additional food aid delivered after the enactment of this Act be for humanitarian purposes under Title II of P.L. 480. The Committee intends that 50 percent be regarded not as the norm but as the absolute floor.

Paragraph (2) states the Committee's intent that food assistance should be channeled to the maximum extent possible through international organizations and voluntary agencies.

Paragraph (3), sponsored by Senator Clark, requires that not later than 30 days after the enactment of the bill, and at the end of each 30 day period thereafter until June 30, 1975, the President must transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report which describes fully and completely all economic assistance provided to Cambodia, including the amount of assistance provided under the auspices of and through international agencies or private voluntary agencies.

*Subsection (b)—Aid Not a Commitment*

Subsection (b) restates a position Congress has taken repeatedly, beginning with the initial bill to authorize assistance to Cambodia

which was enacted on January 5, 1971. It states that the act of giving military and economic assistance shall not be construed as a commitment by the United States to defend Cambodia.

CHANGES IN EXISTING LAW

In compliance with paragraph 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

\* \* \* \* \*

**Sec. 655. Limitations Upon Assistance to or for Cambodia.—**

(a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other law may be obligated in any amount in excess of \$377,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Cambodia during the fiscal year ending June 30, 1975. Of that sum, there shall be available no more than \$200,000,000 for military assistance. In addition to such \$377,000,000, defense articles and services may be ordered under section 506 of this Act for Cambodia in an amount not to exceed \$75,000,000 in fiscal year 1975.

(b) In computing the \$377,000,000 limitation on obligation authority under subsection (a) of this section in fiscal year 1975, (1) there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia in such fiscal year by gift, donation, loan, lease, or otherwise, and (2) there shall not be included in the computation the value of any goods, supplies, materials or equipment attributable to the operations of the Armed Forces of the Republic of Vietnam in Cambodia. For the purpose of this subsection, "value" means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia but in no case less than 33⅓ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

(c) No funds may be obligated for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Cambodia in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after the date of enactment of this section. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated for any such purpose during such fiscal year.

(d) The provisions of subsections (a) and (c) of this section shall not apply with respect to the obligation of funds to carry out combat air operations over Cambodia.

(e) After the date of enactment of this section, whenever any request is made to the Congress for the appropriation of funds for use in, for,

or on behalf of Cambodia for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of funds obligated in, for, or on behalf of Cambodia during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount obligated, describing the different purposes for which such funds were obligated and the total amount obligated for such purpose, except that in the case of the two quarters of the fiscal year beginning July 1, 1971, a single report may be submitted for both such quarters and such report may be computed on the basis of the most accurate estimates the President is able to make taking into consideration all information available to him.

(g) Enactment of this section shall not be construed as a commitment by the United States to Cambodia for its defense.

(h) *The Congress directs that United States policy shall be to achieve an end to the conflict in Cambodia no later than June 30, 1975, and to end all United States military assistance by such date. To achieve the policy stated in the first sentence, notwithstanding any other provision of law, in addition to any amounts included in subsection (a)—*

(1) *of the amounts authorized to carry out chapter 2 of part II of this Act, not more than \$20,000,000 may be provided for military assistance for Cambodia;*

(2) *of the defense articles and services which may be ordered under section 506 of this Act for fiscal year 1975, not more than \$7,500,000 may be ordered for Cambodia;*

(3) *of the amounts authorized under the Agricultural Trade Development and Assistance Act of 1954, not more than \$19,150,000 may be provided for economic assistance for Cambodia; and*

(4) *of the amounts for Cambodia authorized under section 36 of the Foreign Assistance Act of 1974 which remain unobligated on the date of enactment of this Act, not more than \$5,150,000 may be provided for other economic assistance for Cambodia, for each of three successive thirty-day periods beginning on the date of enactment of this subsection, but only (A) after the President reports in detail during such thirty-day period to Congress that at the time of such report—*

(i) *the United States is undertaking specific steps to achieve an end to the conflict in Cambodia not later than June 30, 1975, in order to relieve human suffering and to end all United States military assistance to Cambodia by such date;*

(ii) *the Khmer Republic is actively pursuing specific measures to reach a political and military accommodation with the other side in the conflict;*

(iii) *initiatives have been taken toward the other side to obtain (1) a peaceful and orderly conclusion to the conflict, including safe passage out of Cambodia for those persons who desire to leave the country, (2) help and appropriate care for the refugees*

*and victims of the conflict, and (3) assurances that combatants and prisoners will be treated in accordance with the provisions of the Geneva Convention on Prisoners of War; and*

(iv) *the United States, pursuant to United Nations General Assembly resolution 3238, is requesting the Secretary-General, after due consultation, to lend assistance to achieve a peaceful and orderly conclusion to the conflict, including, if appropriate, the use of peace-keeping forces; and*

(B) *if the Congress, within ten calendar days after receiving such report, does not adopt a concurrent resolution stating in substance that it does not favor the provisions of such report.*

(i) (1) *Notwithstanding any other provision of law—*

(A) *no assistance may be furnished or delivered under part II of this Act;*

(B) *no defense articles or services may be ordered or delivered under section 506 of this Act; and*

(C) *no defense articles or services may be sold or delivered, and no credits (including participation in credits) or guaranties may be extended, under the Foreign Military Sales Act;*

*after June 30, 1975 with respect to Cambodia.*

(2) *The provisions of this subsection may not be waived under the provisions of section 614(a) of the Foreign Assistance Act of 1961.*

(j) (1) *Not less than 50 per centum of the food commodities made available to Cambodia under the Agricultural Trade Development and Assistance Act of 1954 which are delivered after the date of enactment of this paragraph and prior to July 1, 1975, shall be made available in such country for humanitarian purposes under title II of such Act.*

(2) *Any economic assistance provided to Cambodia under the authority of this or any other Act shall be furnished, to the maximum extent practicable, under the auspices of and through international agencies or private voluntary agencies. In providing such economic assistance, primary emphasis shall be given to relieving human suffering.*

(3) *Not later than thirty days after the date of enactment of this Act and the end of each thirty-day period thereafter until June 30, 1975, the President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report which shall describe fully and completely the economic assistance provided to Cambodia under this or any other Act, including the amount of such assistance provided under the auspices of and through international agencies or private voluntary agencies.*



## MINORITY VIEWS

We believe that the request for supplemental military assistance to the Cambodian government should be denied but that the legislative ceiling on obligations for economic and humanitarian aid should be eased so as to permit the delivery of additional food. The United States should do everything within its power to ease the suffering of the Cambodian people in the weeks and months ahead, but additional military assistance will serve only to prolong a hopeless bloody struggle.

Rather than sending more arms to Lon Nol the Administration should be undertaking urgent measures to end the war. Ambiguous gestures like those of the past which the Administration has touted as negotiating efforts will not suffice. Accordingly, we urge the following immediate steps:

1. The United States should inform the Phnom Penh authorities that when presently authorized supplies are delivered, no additional military assistance will be forthcoming;

2. The United States should offer its full diplomatic support for any course of action which the Cambodians decide to undertake looking toward a negotiated settlement.

3. We should offer safe passage out of Cambodia to all those who desire it, including government officials, third country nationals and Cambodians who have worked for the U.S. Government or with voluntary agencies;

4. The United States should announce publicly that our sole and immediate objective is a cease-fire and that toward that objective we will send an emissary to Peking to discuss a cease-fire and related political questions with representatives of the Royal Government of National Union;

5. Simultaneously, the United States should call on the Royal Government of National Union to:

- Halt its offensive military operations;

- Permit food and humanitarian flights into Phnom Penh and other cities under the auspices of some agreed international organization, for example, the United Nations or the International Committee of the Red Cross;

- Admit U.N. or other neutral observers; and

- Pledge humane treatment for all who remain.

6. The United States should make a public commitment to the continued provision of food and humanitarian relief to the Cambodian people through voluntary and international agencies or other means acceptable to the various present and possible future Cambodian authorities, and

7. U.S. support should be pledged in advance to the eventual reconstruction of Cambodia.

The most important aspect of these recommendations is that they must be undertaken immediately. No additional money is required in order to buy time for their implementation.

\* \* \* \* \*

The apparent issue before the Senate is the Administration's request for additional military assistance. The real issue is whether and how the Administration can be persuaded or compelled to bend its efforts toward a cease-fire in Cambodia. The Administration instead continues to place primary emphasis on bolstering the failing military position of the Phnom Penh government.

The Congress has previously authorized a total of \$452 million for assistance of all types to Cambodia during the current fiscal year. On February 28, 1975, we were advised that the entire amount authorized for this fiscal year had already been obligated; this despite the fact that there were still four months remaining in the fiscal year. The current supplemental request, if granted, would have added at least another \$300 million to the current year's expenses, thus raising the total cost of supporting Cambodia in this fiscal year to approximately three-quarters of a billion dollars.

We are nearing the fifth anniversary of the United States' overt involvement in the war in Cambodia. Each year since 1971 as the Congress has voted additional money for Cambodia it has reiterated the statement that such aid should not be construed as a commitment to the defense of Cambodia. Despite these disclaimers the Congress has, since 1970, authorized over \$2 billion for assistance to Cambodia.

In return for that investment we now find Cambodia totally dependent upon us, unable to provide even the minimum services for its people, unable to defend or feed itself, and unable to halt the bloody civil strife which is decimating its population and laying waste to its countryside.

Despite drastically deteriorated conditions in Cambodia and the loss of public confidence in its policy, the Administration's approach to Cambodia as stated in the President's message transmitting the supplemental authorization for Cambodia has not changed over the past three years. That policy is as follows:

The Cambodian Government forces, given adequate assistance, can hold their own. Once the insurgents realize that they cannot win by force of arms, I believe they will look to negotiations rather than war.

In the course of the Committee's hearings on the supplemental request Assistant Secretary Habib reiterated a similar view:

Only through military and economic assistance can \* \* \* the Khmer Communists be convinced that military victory is impossible, and can a compromise solution through negotiation be reached.

Thus, the Administration would have us believe that supplemental military assistance will enable the Lon Nol government to stagger through to the rainy season and possibly produce a stalemate. Should that occur, the Administration then hopes the insurgents will tire of fighting and decide to talk.

It is our view that this approach to Cambodia is wholly lacking in realism and that the Administration's policy rests on four erroneous assumptions:

That the Phnom Penh government is capable of sustained resistance;

That the American people will continue to underwrite the vast cost of continuing the Cambodian war;

That Phnom Penh has a position from which to negotiate; and

That the insurgents are interested in negotiating.

Everything about the course of this struggle and everything we know about the insurgents indicates that the Administration's reasoning is dead wrong. There is not a stalemate now in Cambodia and there never has been: since late 1971 we have seen the relentless attrition of the Cambodian army, the steady decimation of its civilian population, and the spreading control of the insurgents. Today, the Phnom Penh government is clearly unable to produce a stalemate. Intelligence estimates indicate that even with additional aid the odds against its survival are almost prohibitive and that there is no prospect of its being able to stabilize the military situation, let alone to reverse even its most recent losses.

In an earlier era when regular North Vietnamese forces were doing most of the fighting on the other side, the poor performance of the newly expanded government forces was understandable. But the North Vietnamese have not participated in the fighting in Cambodia in any significant numbers since the spring of 1972. Since that time much smaller indigenous forces with far less logistical support but with obviously superior leadership and spirit have consistently outfought the Lon Nol army.

On the question of the American people's willingness to support continued expenditures in Vietnam, there is little that need be added to the results of recent polls and votes. By overwhelming majorities, the American public has indicated that it has had enough and that it considers the Cambodian war irrelevant or even detrimental to U.S. interests. Apparently, most Americans, like most members of the Committee, would prefer to see a cease-fire rather than continued expense and warfare. Unfortunately, having been misled regarding the viability and prospects of the Lon Nol government, the American public now wrongly assumes that conventional negotiations between the insurgents and Phnom Penh are a real possibility.

Leading experts, both in and out of government, who have studied the statements and actions of the insurgents agree that the prospects for negotiating a settlement with the insurgents in the usual sense of those words are poor indeed. The insurgents, or the Royal Government of National Union (GRUNC), seem well aware, perhaps better than the Executive Branch, of the weakness of the Phnom Penh position. Unlike the Administration, they understand that the longer the war lasts the more helpless will be the forces of the government.

Under these circumstances it is not surprising that the GRUNC, including Prince Norodom Sihanouk as well as lesser known leaders in Cambodia, has shown not the slightest interest in negotiating while the Lon Nol government remains in place. Time seems clearly to be on

their side. Indeed, a good case can be made that if the Executive Branch had not so doggedly backed Lon Nol, warning other political figures against challenging him, that a more capable and less corrupt alternative leadership might have emerged which could have rallied the Phnom Penh side, or at least found a way to negotiate with the insurgents before the government's military position was totally eroded. Clearly, the government was stronger a year ago than it is today. Some Executive Branch officials warned at that time that it was imperative to seek a rapid breakthrough on negotiations before Phnom Penh was too weak to expect any concessions. Unfortunately, that advice was never heeded and it may now be too late.

We should not wish to prolong the present military struggle to the point where the weary Phnom Penh forces finally collapse or are overwhelmed. Out of a hopeless last ditch defense might well come the bitter bloodshed which even the proponents of the Committee recommendation seek to avoid. It would be far better for us to work for a humane transfer of power—an honorable surrender, if need be. Indeed, there appears to be no rational alternative.

While the bloodbath theory about which we have heard so much is difficult to prove or disprove, the everyday death and bloodshed of countless innocents on both sides as a result of the present military action is not. Today's victims are not officials, merchants and teachers or other members of the middle class about whom the proponents of the bloodbath theory express their strong concern. Today's victims are the refugees, the poor and unwilling conscripts rounded up by press gangs; the helpless who have neither the means to protect or feed themselves nor the influence to escape military service.

While we have not the slightest desire or inclination to excuse the behavior of the insurgents, one suspects that the possibility of a bloodbath has been greatly exaggerated and the entire issue woefully oversimplified. That there have been executions by the other side is not in doubt. But there is no reliable evidence to sustain the charge of 200,000 murders by the insurgents. From what little we know of the tactics of the other side it appears that their harshest measures have been directed at those who have worked most closely with the Lon Nol administration. We also know of the cruelty of the government forces. During the five years of the war the Phnom Penh side has taken very few prisoners. The latter are usually killed, often decapitated and sometimes worse. Such behavior is not calculated to produce a humane response on the part of the adversary. The longer the war and the more traumatic its end, the more likely we will be to see a bloody aftermath.

Some may argue that the Congress should provide a little more military assistance in order to avoid recriminations and divisive charges about who "lost" Cambodia. If the Cambodians fall despite a little more aid, the argument goes, then it will be clear to all that the Cambodians themselves lost it and that the United States did not walk out of a friend. This is a cynical approach and we reject it.

Others will argue that stopping the killing is the most important objective and that a definitive cut-off of military aid—either now or on June 30—will accomplish that. Or, they will ask, why waste any

more money—let the Cambodians fight it out. It is a civil war and none of our affair, they would say. Many would agree.

We believe, however, that we owe the Cambodians something more than being left alone when they no longer have any options. The time has come to consider Cambodia not in terms of our politics or our interests, but in terms of Cambodian lives. Our money will no longer help—if it ever did—but our diplomatic support could. Having too long involved ourselves in Cambodia's affairs for our own purposes the least we can now do is to commit ourselves for peace.

Ironically, the unintended but inevitable effect of providing supplemental military assistance to the Cambodian government will be to prolong the agony of its people. We may be certain that as long as there appears to be any prospect of continued U.S. assistance, Lon Nol will remain in place, peace efforts will not be seriously pursued and, as a result, the killing will continue. The losers will be the Cambodian peasant and the American taxpayer. That is why the minority of the Committee believes it imperative to discontinue the aid as promptly as possible. It is a cruel hoax to lead the Cambodians on in order to maintain our image providing only enough support to sustain their misery because, although we know that *more* aid will not help, we lack the political courage to end it.

As a means of easing the difficult transition period which lies ahead, we strongly recommend additional authority to provide food and humanitarian relief to the Cambodian people. In this connection, we note that there is already purchased and available, either stockpiled in Vietnam or enroute to Southeast Asia, more P.L. 480 food than can be airlifted to Phnom Penh this Fiscal Year. There is little prospect, of course, of its being moved by river as long as war continues. We should, however, be in position to increase our shipments should changed military circumstances make this possible. In the meanwhile, we should, as recommended in the Committee bill, make every effort to provide food to all those suffering in Cambodia, regardless of whether they are refugees or city dwellers, young or old.

It seems pointless at this late date to go on selling food as we are at present in Phnom Penh. In theory, the proceeds of such sales go to finance the Cambodian government. We have recently had confirmed to us by the Agency for International Development something which we have long suspected: that there are no adequate provisions for the accounting and control of sales proceeds. Finally, an increasing shift too the use of voluntary and international agencies as the instruments of distributing U.S. food and humanitarian relief would seem highly appropriate given the uncertainty surrounding the U.S. A.I.D. Mission's future ability to conduct such programs.

Although the Congress can, if it has the will, refuse further military assistance while continuing to provide food, that will not be enough. Immediate steps—such as those outlined above must be taken to obtain a cease-fire. Prompt and energetic initiatives by the Executive Branch are called for. Congress cannot legislate or execute such measures. Unfortunately, the Administration's steadfast opposition to the terms of the bill, specifically its termination of military assistance on June 30,

1975, indicates that the Administration's mind is still fixed on the unrealistic and bankrupt policies of the past. There is no need to inflict further needless suffering on the Cambodian people when the two branches of our government could so easily work together to end and soften the final trauma of this tragic war.

HUBERT H. HUMPHREY,  
*Chairman, Subcommittee on  
Foreign Assistance and Economic Policy.*  
STUART SYMINGTON.  
GEORGE MCGOVERN.  
DICK CLARK.

○

APR 14 1975

## MEMORANDUM

## NATIONAL SECURITY COUNCIL

~~CONFIDENTIAL~~

April 14, 1975

MEMORANDUM FOR: ✓ JACK MARSH  
MAX FRIEDERSDORF

FROM: LES JANKA *LJ*

SUBJECT: LIG Meeting on President's Emergency  
Indochina Program, 5:30 p.m. Monday,  
April 14, 1975, Roosevelt Room

The purpose of today's LIG meeting is to organize the effort needed to implement the emergency initiatives contained in the President's speech of last Thursday. General Scowcroft will open the meeting with remarks on the urgency of the situation and the objectives of the President's requests. He will turn the meeting over to you to develop the legislative strategy.

Specific Objectives

- To mobilize and coordinate administration resources behind the President's emergency program for Indochina.
- To develop strategy and clearly assign tasks for building maximum feasible congressional support for the President's program.
- To assess the status of the other elements of the President's foreign policy speech and clearly assign tasks for moving these items through Congress.

Specific Results Desired

- Schedule of congressional hearings and coordination of administration spokesmen.

~~CONFIDENTIAL~~ XGDSDECLASSIFIED  
EO 12958, Sec. 2.1

MR 91-116, #34 NSC (11.8/20/92)

By: KBH Date: 9/25/92

-- Outline of strategy and timing for votes on each item of program.

-- Assignment of specific vote targets for each agency and department.

-- Set next LIG meeting on Wednesday p.m. for status report.

Talking points for the LIG are at Tab A. Participants are at Tab B. At Tab C is the draft legislation.

CONFIDENTIAL

TALKING POINTS

1. As General Scowcroft has pointed out, the President's requests to Congress provide the basis for an urgent, credible US response to a critical situation in Indochina. The President wants a maximum effort from all of us; he does not want us to be seen as only going through the motions.

Despite the opposition in Congress, the Administration must be seen as doing its best in a time of testing.

2. (To Jack Maury) Can you give us a list of Secretary Schlesinger's and other DOD planned appearances on the Hill?

3. (To Bob McCloskey) Can you give us a list of Secretary Kissinger's and other State appearances on the Hill?

4. Are there any other committees or groups we should cover this week?

5. Can we outline how and when we expect the various votes to take place? What is our overall strategy on these items? How should we handle offers to compromise at lower levels?

6. (To All) Let us now assign voting targets -- Who will contact whom? We need a total list today!

7. Looking beyond the Indochina struggle this week -- there are several priority items the President designated for early action:

DECLASSIFIED  
E.O. 12356, Sec. 3.4.

MR 91-16, #35 NSC 61, 9/20/92

CONFIDENTIAL XGDS By KBT, NARA, Date 9/25/92

-- Where do we stand on Turkey? What needs to be done?

(McCloskey)

-- What is the status and outlook of the Trade Bill

revision? (McCloskey)

-- Where does the OPEC trade reform legislation stand?

What needs to be done?

-- Where does the FY 76 Foreign Aid Bill submission stand?

(Harvey)

8. Can we meet again here on Wednesday at 4:00 p.m. to  
assess our progress and improve our strategy?



REQUEST/RECEIPT FOR LDX TRANSMISSION

NMCC STATION SERIAL NUMBER 678

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NMCC LDX

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TOR: '75 APR 2 PM 6:01

NAME: DN

TO BE FILLED IN BY REQUESTER

FROM: OASD/LA OFFICE/DESK: \_\_\_\_\_

PHONE NR: 28151

TO:



WHITE HOUSE MR MARSH



STATE DEPT \_\_\_\_\_



CIA \_\_\_\_\_



NSA \_\_\_\_\_



ANMCC \_\_\_\_\_



DIA (PENT) \_\_\_\_\_

DIA (ARL HALL) \_\_\_\_\_

DNA \_\_\_\_\_

NPIC (NAVY YARD) \_\_\_\_\_

SPECIAL INSTRUCTIONS \_\_\_\_\_

CLASSIFICATION SENSITIVE PAGES 1



SENSITIVE

Memorandum for Mr. Jack Marsh, The White House - 2 April 1975

From Mr. Richard Fryklund, PDASD(LA)

Frank Slatinshek said that so few members were here that he does not have a good reading but he believes that Congressman Dickinson's mood is indicative. Dickinson, who is normally a supporter, is more concerned now about the aid equipment which has been lost in the North. Slatinshek said that in answer to queries he has argued on our behalf that when a neighbor is about to be overwhelmed by burglars you try to hand him a gun. And, he argues, if we do not respond in this case it will hurt Israel in the long run.

Ed Braswell said the chief concern is that any future aid will draw down inventories. Recent events, he believes, have not changed any minds. Stennis will need some assurance that Thieu can draw the line and protect Saigon. Braswell asks: What can Stennis say on the floor in justification of \$1.3B. line item by line item. Perhaps Aid on a contingency basis would be the most effective argument. Braswell volunteered that the President must be firm and lead the charge. He can not send second layer people. There is some support. We will not get zero.



SENSITIVE

APR 2 1974

REQUEST/RECEIPT FOR LDX TRANSMISSION

STATION SERIAL NUMBER

678

TIME PROCESSED AT NMCC

2 APR 75 17 04

NMCC LDX

ADDRESSEE: PLEASE ENTER STATION, TOR,  
OPERATORS SIGNATURE AND RETURN TO NMCC:

FROM:

TOR:

NAME:

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TO BE FILLED IN BY REQUESTER

FROM:

OASD/LA

OFFICE/DESK:

PHONE NR:

78151

TO:

☒ WHITE HOUSE MR MARSH  
☐ STATE DEPT \_\_\_\_\_  
☐ CIA \_\_\_\_\_  
☐ NSA \_\_\_\_\_  
☐ ANMCC \_\_\_\_\_

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DIA (PENT) \_\_\_\_\_

DIA (ARL HALL) \_\_\_\_\_

DNA \_\_\_\_\_

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SENSITIVE

Jack Marsh

URGENT

DEPARTMENT OF STATE  
AGENCY FOR INTERNATIONAL DEVELOPMENT

75 APR 3 PM 6:21 WASHINGTON, D.C. 20523

NOBIS

April 3, 1975

*Bud McFarlane*

INFORMATION MEMORANDUM FOR ~~THE ADMINISTRATOR~~

THRU: ES

FROM: GC/LPC, Denis M. Neill

SUBJECT: House Budget Committee Recommendations



The House Budget Committee is prepared to report by April 15 its First Budget Resolution giving guidance to the authorizing committees. Its preliminary report was tentatively approved 12-7 last week (with 6 absentees) and the full Budget Committee will take the measure up next week. Adjustments in the Budget Resolution will be required to reflect the impact of the tax cut bill. The Budget Resolution is for "guidance" only -- it is not binding -- but, if the schedule holds, it should be passed by Congress by May 15!

General

The tentative resolution, without regard to the impact of the Tax Reduction Act, is as follows:

(in millions)	President's	House Budget Committee
Total budget authority	385,848	394,886
Total budget receipts	297,520	297,520
Total budget outlays	349,372	366,740
Total budget deficit	51,852	69,220

When the First Budget Resolution is finally considered in committee, the vote is expected to be very close -- perhaps 13-12 either way -- with most Republicans and conservative Democrats opposing a resolution increasing the total Federal deficit.

Foreign Aid

The foreign aid recommendations are not in the First Budget Resolution itself but are in the House Budget Committee Report. The Budget Committee asked the House Committee on International Relations (HCIR) to provide the budget figures by major program area and provide a brief history of what

the HCIR had recommended with respect to those programs in recent years. This memorandum gives rationales only for those accounts for which reductions are recommended, according to the program categories used by the Budget Committee.

Development Assistance

FY 1976 Budget  
\$1,006,700,000

Budget Committee Report  
\$606,700,000

This cut of \$400,000,000 is based on the recent action of the House Appropriations Committee with respect to development assistance for FY 1975, and on the general consensus that such aid to well-off countries should be discontinued. At least a portion of the reduction should be applied to operating costs of A.I.D. (The revised budget reflecting an operating expense account is not yet known to the Budget Committee.)

Indochina Aid

FY 1976 Budget  
\$952,000,000

Budget Committee Report  
\$402,000,000

There is no reason to spend more in FY 1976 than was appropriated in FY 1975. (This recommendation does not reflect recent events.)

Military Assistance Program

FY 1976 Budget  
\$790,000,000

Budget Committee Report  
\$365,000,000

The cut of \$425 million is what the Budget Committee expected to go to Cambodia, and it reflects the desire of the Committee to provide no military aid to Cambodia after June 30, 1975. No mention is made of the \$250 million request to cover draw-down use.

Military Aid for South Vietnam

FY 1976 Budget  
\$1,293,000,000

Budget Committee Report  
\$718,000,000

This cut of \$575 million for FY 1976 military aid for South Vietnam reflects the desire to cut a total of \$1 billion from the FY 1976 military aid budget for Indochina (South Vietnam and Cambodia combined).



Military Credit Sales

FY 1976 Budget  
\$560,000,000

Budget Committee Report  
\$300,000,000

This cut of \$260 million is based on the reduction of the House Appropriations Committee for FY 1975. The recommended amount is identical to the FY 1975 figure.

Special Financing Facility

FY 1976 Budget  
\$7,000,000,000

Budget Committee Report  
0

The Budget Committee feels that this item for the Special Financing Facility of the OECD, to protect oil consumers from precipitous withdrawals of petrodollars and to assist them in financing oil purchases, is not justified at this time. On the motion of one senior Democrat, this item was dropped.

Other Items

Except for Security Supporting Assistance, other A.I.D. programs were not addressed. The SA account will be left intact, principally because of the Middle East component, and the other items were lumped in a miscellaneous category for which no cuts were recommended.

Senate Action

We have not been given any information on the Senate Budget Committee's proposed recommendations or on the details contained in the Senate Budget Committee Report. Instead of giving a brief history of recent action on major categories -- as the HCIR did for the House Budget Committee -- the Senate Foreign Relations Committee gave projections of what it expects to authorize, by major program.

1. Development assistance: The SFRC feels a sum close to \$1,006,000,000 will be authorized.

2. Indochina aid: The SFRC feels that at least \$352,000,000 will be cut from the President's budget in the authorizing process.

3. Military Assistance Program: Based on current appropriations -- and general dissatisfaction with the MAP program -- only \$350,000,000 to \$400,000,000 will be authorized.





4. Military aid for South Vietnam: No SFRC recommendation for FY 1976.

5. Foreign Military Credit Sales: This item, like MAP, has also come under recent criticism, and the SFRC is not sure that the \$560,000,000 will be authorized.

6. Special Financing Facility: The SFRC may have addressed this item, but I don't know the recommendation.

7. Other items: The SFRC projected only "modest" cuts in the Security Supporting Assistance account and in other items. No cuts were projected for the IFIs.



April 8, 1975

MEMORANDUM FOR: THE PRESIDENT

FROM: JACK MARSH

I received the following comments on the Vietnam situation which I felt I should bring to your attention:

Stratton ... Sam says that he will support you in your request for military aid. Feels such a request is in order if you are to have any type of meaningful humanitarian program. Stabilization of a defensive area is essential for humanitarian assistance and believes that military assistance will be necessary to achieve this stabilization.

Kemp ... Jack feels very strongly that you should present a request for military assistance so that the Congress would have a chance to reflect its views on the matter. He states that he will be an advocate and spokesman for such a request.

cc: Don Rumsfeld  
Max Friedersdorf

JOM/dl



TRANSMITTED BY:  
(Date & Time Stamp)

RECEIVED BY:  
(Date & Time Stamp)

DEPARTMENT OF STATE  
Operations Center

LDX MESSAGE RECEIPT

S/S #

DEPARTMENT OF STATE

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*Crispell*

LDX MESSAGE NO. 86, CLASSIFICATION CONFIDENTIAL, NO. PAGES 2

DESCRIPTION OF MSG. Memorandum for Mr. Marsh

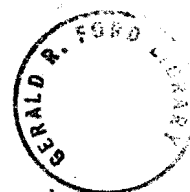
FROM: K. Jenkins, H, 632-3436, 7256  
Officer Office Symbol Extension Room Number

LDX TO: DELIVER TO: EXTENSION: ROOM NUMBER:  
WH, Mr. John O. Marsh, 456-6586

FOR: CLEARANCE ☐ INFORMATION ☐ PER REQUEST ☐ COMMENT ☐

REMARKS: \_\_\_\_\_

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Executive Secretariat Officer





DEPARTMENT OF STATE

Washington, D.C. 20520

~~CONFIDENTIAL~~

April 2, 1975

MEMORANDUM FOR: Mr. Jack Marsh  
The White House

Subject: Congressional Attitudes on Viet Nam  
Assistance

There is clear receptivity to any request for humanitarian assistance and refugee aid. Senator McGee's Chief of Staff, one of the most perceptive and reliable staffers on the Hill, says that we could ask for the moon in terms of emergency humanitarian assistance and get it. Any request for supplemental military assistance, however, is likely to be turned down cold. McGee's man warned that even the relatively routine annual military request is now jeopardized by reports of the Vietnamese abandoning hundreds of millions of dollars worth of U.S. equipment as they retreated from the northern provinces. This point has been echoed by a number of other staffers in both houses.

There is strong criticism of ARVN abandonment of supplies and abuse of women and children in the chaos of retreat. The soundings we took yesterday with staffs of Senators Stennis and Brock are particularly meaningful because they reflect the opinions of legislators who have been among our staunchest supporters.

Even Senator Harry Byrd, formerly a staunch supporter, is now using a form letter to reply to inquiries regarding Viet Nam, which states that "additional military support for either Cambodia or South Viet Nam probably would fall into the hands of those we are now opposing" and expressing "considerable doubt that additional expenditure of American funds, except for humanitarian purposes, would change the course of events". His views are seconded by conservative Democrat Howard Cannon.

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E.O. 12355, Sec. 3.4.

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MR 91-19, #33 State Un 6/9/92  
By KBH NARA Date 7/1/92

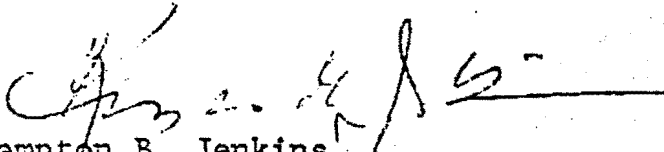


~~CONFIDENTIAL~~

- 2 -

Senators Case and Curtis stand out as among the few we have encountered who would stand by the Administration and support at least some military assistance.

The most striking view we picked up today came from new liberal Democrat Representative Fisher who reported that his mail is running strongly against Congress for having failed to provide emergency military assistance and thereby contributing to the collapse of the ARVN. Senators Cannon and Curtis also mentioned this development. However, most reactions, coming principally from staff sources, indicate overwhelming opposition to any additional military assistance.

  
Kempton B. Jenkins  
Acting Assistant Secretary  
for Congressional Relations

~~CONFIDENTIAL~~



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PRECEDENCE

~~Confidential~~

CLASSIFICATION

FOR COMMCENTER USE ONLY

FROM:

Jack Marsh

TO:

Dick Cheney  
(Palm Springs)

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PAGES 3

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SITUATION ROOM

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MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

April 2, 1975

MEMORANDUM FOR: DICK CHENEY  
FROM: JACK MARSH

The following memorandum from Department of State Congressional Affairs is for your information.

CLASSIFIED

2







DEPARTMENT OF STATE

Washington, D.C. 20520

~~CONFIDENTIAL~~

April 2, 1975

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The White House

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E.O. 12356, Sec. 3.4.

~~CONFIDENTIAL~~

MR 91-19, #33 State Ltr 6/9/92

By KBH NARA, Date 7/1/92

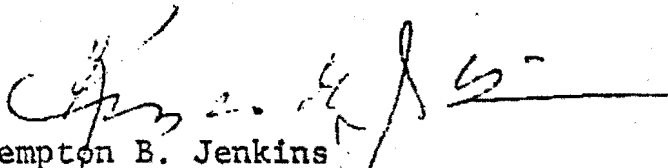


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Kempton B. Jenkins  
Acting Assistant Secretary  
for Congressional Relations

~~CONFIDENTIAL~~



B



LIST OF PARTICIPANTS FOR LIG MEETING

Monday, April 14, 1975  
5:30 p.m. - Roosevelt Room

White House

Lieutenant General Brent Scowcroft  
Mr. John Marsh  
Mr. Max Friedersdorf

NSC

Mr. Les Janka  
LTC Donald MacDonald

Department of State

Mr. Samuel Goldberg  
Mr. Robert McCloskey

Department of Defense

Mr. John Maury  
Mr. Richard Fryklund

Central Intelligence Agency

Mr. George Cary

Agency for International Development

Mr. Matthew Harvey

Office of Management and Budget

Mr. Edward Strait

United States Information Agency

Mr. Edward Hidalgo

C



FOR IMMEDIATE RELEASE

April 11, 1975

Office of the White House Press Secretary

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THE WHITE HOUSE

TEXT OF LETTERS FROM THE PRESIDENT TO THE  
SPEAKER OF THE HOUSE OF REPRESENTATIVES  
AND THE PRESIDENT OF THE SENATE

April 11, 1975

Dear Mr. Speaker: (Dear Mr. President:)

I hereby transmit draft legislation to carry out the recommendations made in my April 10, 1975 address to the Congress with respect to Indochina.

The enclosed draft bills authorize additional military, economic, and humanitarian assistance for South Vietnam, and also clarify the availability of funds for the use of the Armed Forces of the United States for humanitarian evacuation in Indochina, should this become necessary.

I urge the immediate consideration and enactment of these measures.

Sincerely,

GERALD R. FORD

# # # #

A BILL

To authorize additional military assistance for  
South Vietnam, and for other purposes.

1       Be it enacted by the Senate and the  
2       House of Representatives of the United States  
3       of America in Congress assembled, That para-  
4       graph (1) of section 401(a) and subsection  
5       (b) of Public Law 89-367, approved March 15,  
6       1966 (80 Stat. 37), as amended, are amended by  
7       striking out "\$1,000,000,000" each place it  
8       appears and inserting in lieu thereof  
9       "\$1,422,000,000".

A BILL

To authorize additional economic assistance for  
South Vietnam, and for other purposes.

1.       Be it enacted by the Senate and the House  
2       of Representatives of the United States of  
3       America in Congress assembled, That, in addition  
4       to amounts otherwise authorized for such purposes,  
5       there is authorized to be appropriated to the  
6       President not to exceed \$73,000,000 to carry out  
7       the purposes of part V of the Foreign Assistance  
8       Act of 1961, as amended, for South Vietnam for  
9       the fiscal year 1975. Funds made available for  
10      economic and humanitarian assistance for Indo-  
11      china shall be available after the date of  
12      enactment of this Act for obligation without  
13      regard to the limitations contained in sections  
14      36 and 38 of the Foreign Assistance Act of 1974,  
15      Public Law 93-559, approved December 30, 1974 (88  
16      Stat. 1795).



A BILL

To clarify restrictions on the availability of funds  
for the use of United States Armed Forces in  
Indochina, and for other purposes.

1       Be it enacted by the Senate and the House  
2       of Representatives of the United States of  
3       America in Congress assembled, That nothing  
4       contained in section 839 of Public Law 93-437,  
5       section 741 of Public Law 93-238, section 30 of  
6       Public Law 93-189, section 806 of Public Law 93-155,  
7       section 13 of Public Law 93-126, section 108 of  
8       Public Law 93-52, section 307 of Public Law 93-50,  
9       or any other comparable provision of law shall be  
10      construed as limiting the availability of funds  
11      for the use of the Armed Forces of the United  
12      States to aid, assist, and carry out humanitarian  
13      evacuation, if ordered by the President.

purpose is served by saying so in the present sensitive circumstances.

In his speech to the World Energy Conference in Detroit last September 23 President Ford noted that—

"Throughout history, nations have gone to war over natural advantages such as water or food. . . ."

But he also took note of the crucial difference between the past and the present, nuclear age, in which "any local conflict may escalate to global catastrophe." Observers may speculate that the superpowers have come to recognize each other's vital interests, and that the Russians would therefore stand aside while the United States took military action in the Middle East just as we did when they invaded Czechoslovakia. These observers may well be right, but they may also be wrong; and if they were wrong, few of us would survive the miscalculation. They should also ponder the prospect that if we ever were to occupy the oil fields of the Persian Gulf, we should be prepared to occupy them permanently because we would have earned the undying enmity of the entire Arab world.

The other, related crisis of the Middle East is the Arab-Israeli conflict, which is probably the greatest single threat to world peace.

I commend the Secretary of State for his efforts and achievements thus far, and I urge him to intensify these efforts and also to enlist the cooperation of the Soviet Union for an equitable settlement. A stable peace in the Middle East will require a Soviet as well as an American guarantee; if the Soviet Union is to guarantee the peace, it must inevitably be a party to the drawing up of its specifications.

I turn finally to comment briefly on the "third world" of south Asia, Africa, and Latin America. Except for Latin America these are regions in which the United States has only minimal security interests. This is not to say that we ought to be uninterested in or indifferent to the Indian subcontinent and black Africa, but only to make the point that our major concerns in these regions are essentially developmental and humanitarian rather than strategic. In all of these areas, therefore, including Latin America, it makes sense for us to abstain from political intervention and especially from military action or threat, and to channel our economic assistance through the United Nations and related international agencies such as the World Bank and the Inter-American Development Bank.

Some of the Latin American States themselves have recently taken a most commendable initiative toward the military neutralization of their region. Meeting in Peru in December 1974, members of the Andean group of Latin republics pledged to bring about "effective arms limitations" among themselves, and in particular to put an end to the purchase of offensive weapons from foreign suppliers. The declaration remains to be implemented by practical measures to be discussed in a further meeting at Caracas, in which it is hoped that Brazil, the largest and most powerful of Latin American States, will also participate.

The Andean initiative should be welcomed and scrupulously respected by the United States, which traditionally has been the largest foreign supplier of arms to the Latin American republics. More generally, but in the same spirit, the United States should reaffirm its commitment to the principle spelled out in article 15 of the Charter of the Organization of American States that—

"No state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state."

There should be no further breaches of this solemn obligation, whether covertly as

in Chile or openly as in the Dominican Republic.

The time has also come for careful consideration of making a change in our policy toward Cuba. Our policy of isolating Cuba has been a failure, and it is time to reexamine that policy with a view toward ending the futile economic boycott and restoring normal relations.

As we survey the complex and bewildering problems of a fast-changing world, we perceive one common attribute among all of the challenges that confront us: The inescapable necessity of cooperation among nations for global solutions. We will in a world bound together by unbreakable bonds of interdependence. Our economic well-being, and indeed our very survival, are linked indissolubly to the well-being and survival of others.

The world has become a community in its needs if not yet in its attitudes. Soviet-American détente has profound implications for the security of all nations, not just for the two superpowers. The security and economic stability of Europe and Japan are inseparable from the security and economic stability of the United States. The Arab-Israeli conflict affects and is affected by the energy crisis, and it could also escalate into Soviet-American confrontation. The oil-producing states have as great a stake in the economic stability of the industrial nations, if their earnings are to have lasting value, as the industrial states have in reliable access to oil at manageable prices. The hopes of the developing countries are also inextricably linked to those of the advanced nations and the oil-producing nations.

We live in what has been aptly termed a "village" world; yet we remain divided by short-sighted rivalries and mean-spirited, obsolete nationalism. We are in need of international institutions for the solution of global problems, and most particularly of a strengthened and rejuvenated United Nations. The squabbling, powerless assemblages that convene in New York are not a fulfillment of the United Nations idea; they are rather the result of our neglect and contempt for that idea. It is time—indeed long past time—to act on the sound advice of Prof. Richard Gardner of Columbia University, who calls upon the rich and poor nations of the world to enter into a "mutual survival pact," to give international organization the chance that it has never really been given.

"Most important of all," Professor Gardner writes:

"We need a more principled approach to the conduct of foreign policy. Instead of citing the United Nations Charter and other sources of international law when it suits our short-term interest and ignoring them when it does not, we would recognize our long-term interest in strengthening the norms and processes of a civilized world community."

In Wilson's and Franklin Roosevelt's time the building of a world community was an ideal to be aspired to; it has now become an urgent, practical necessity.

Mr. NUNN. Mr. President, I ask unanimous consent that I may be allowed to speak for not to exceed 10 minutes out of order.

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

#### ADDITIONAL MILITARY ASSISTANCE TO SOUTH VIETNAM

Mr. NUNN. Mr. President, last Thursday, after considerable deliberation and debate, the Senate Armed Services Committee rejected all formal proposals for military assistance to South Vietnam. I believe it is important for the Members

of the Senate to have a better picture of last Thursday's committee deliberations than has thus far been available.

At that time, I was against the President's proposal in the total amount of \$720 million, as well as a proposal for \$512 million.

I proposed and favored several motions for military assistance that were subsequently rejected by the committee. The first would have authorized an additional \$50 million and the second would have authorized \$70 million. Both motions were coupled with a resolution urging the Congress to appropriate the \$300 million previously authorized by the Armed Services Committee and by Congress in the fiscal year 1975 authorization bill.

The fiscal year 1975 budget authorization bill of the Armed Services Committee authorized \$1 billion in military aid, of which only \$700 million has been appropriated by Congress. Many observers do not realize that \$300 million of this authorization remains available for appropriation.

Eleven members of the committee voted in favor of varying levels of aid from \$350 million to a total of \$512 million. However, the members of the committee could not agree on the precise level of aid and, therefore, a majority could not be reached for any specific level proposed.

The committee votes as reported in the press were misleading since only 4 of the 16 Senators voted consistently against all levels of aid which were suggested. Only \$30 million separated 11 of the 16 members of the Armed Services Committee from a consensus.

The Armed Services Committee received testimony from General Weyand which indicated that only \$248 million worth of ammunition and critical supplies could be delivered to South Vietnam through June 1, 1975. An additional \$100 to \$150 million could be used to deliver more kinds of the same critical items through the end of this fiscal year. Any amount approved beyond the \$350 to \$400 million total would involve sending more heavy equipment.

The South Vietnamese already have \$4 to \$5 billion worth in U.S. equipment on hand. They have recently lost nearly \$1 billion worth of equipment and supplies. Sending more heavy equipment before they have rallied and stopped the North Vietnamese troops means this equipment will certainly fall into Communist hands if South Vietnam falls.

I am puzzled by those who favored the President's proposal and then voted against urgently needed emergency supplies simply because funds for heavy equipment, which cannot be delivered until June and July, were not included. The real question now is whether the South Vietnamese Government can even survive until June.

The military assistance requested by the President or a Congressional compromise will not be the determining factor in deciding whether South Vietnam stands or falls. In fact, the request for \$720 million was not made until after the situation had substantially deteri-



orated. At this point, the South Vietnamese have lost two-thirds of their country to the Communists and are outnumbered at least two to one. The North Vietnamese have at least 12 divisions that are being prepared for an attack on Saigon itself which is defended by five, perhaps six divisions of South Vietnamese regulars.

Military assistance at this stage, while certainly of some material value, is more psychological than substantive. The resolution proposed with my motion, if it had passed, made it clear that the committee's action on future aid requests would be strongly affected by the ability of the South Vietnamese to develop the necessary leadership and morale to form an effective defense. This motion would have made it clear that this was not "terminal aid" with no further hope, but rather that American money and equipment cannot be an effective substitute for South Vietnamese morale. The burden is on South Vietnam to establish this morale.

Only a dim hope remains that there can be a rally by the South Vietnamese which could help bring about a political solution and avoid a bloodbath. President Thieu's resignation at least increases this hope. Resignation only makes a political solution a possibility—not a probability.

My vote for a realistic amount of military assistance in this desperate hour for the South Vietnamese is primarily based on:

First. South Vietnamese cooperation and a secure airport are essential in order to evacuate American citizens. There must be some degree of cooperation from the South Vietnamese Government in order to carry out any evacuation. Without this cooperation, there could very well be a catastrophe involving many American citizens. I remain unalterably opposed to the reintroduction of American troops in Southeast Asia for other than evacuation purposes, but if Marines are sent in for evacuation of Americans, I firmly believe they must be given the necessary authority to adequately defend themselves.

Second. The price of American involvement in South Vietnam has been high. We have lost 55,000 lives, suffered hundreds of thousands wounded, and spent \$140 billion during 14 mistake-filled years. The final irony after this massive effort would be for America to be blamed for the ultimate downfall of South Vietnam. America's own national security will not be greatly affected by the fall of South Vietnam, but could be significantly affected by the perception of our allies and adversaries as to our final role in this continuing tragedy.

Mr. President, I yield back the remainder of my time, if I have any remaining.

#### VIETNAM CONTINGENCY ACT OF 1975

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 1484.

Mr. MANSFIELD. And what is the title of the pending business?

The PRESIDING OFFICER. The clerk will state the title.

The assistant legislative clerk read as follows:

A bill (S. 1484) to authorize the President to use the Armed Forces of the United States to protect citizens of the United States and their dependents and certain other persons being withdrawn from South Vietnam, and for other purposes.

Mr. CLARK. Mr. President, I ask that the Senator yield for a unanimous-consent request.

Mr. SPARKMAN. Yes, indeed.

Mr. CLARK. I ask unanimous consent that Mr. Brady Williamson and Marianne Albertson be granted privilege of the floor during consideration of S. 1484.

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

Mr. CRANSTON. I ask unanimous consent that during consideration of Vietnam legislation Bill Jackson of my staff have the privileges of the floor.

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

Mr. SPARKMAN. Mr. President, this bill (S. 1484) recommended to the Senate by a 14-to-3 vote of the Committee on Foreign Relations, is the most significant piece of legislation dealing with executive-legislative relationships in the field of foreign policy since Congress passed the war powers resolution over President Nixon's veto a year and a half ago. It is the first bill to give statutory authorization for the President to introduce the Armed Forces into hostilities, if necessary, since the passage of that resolution. Let me summarize the bill briefly:

It would authorize the use of the U.S. Armed Forces, if the President determines their employment is necessary, in the expeditious withdrawal of the remaining U.S. citizens and their dependents from South Vietnam and the withdrawal of foreign nationals who may be and their dependents.

The bill also authorizes creation of a Vietnam contingency fund of \$100,000,000 which can be used during the remainder of fiscal year 1975 for humanitarian assistance in South Vietnam and withdrawal purposes.

Finally, it authorizes additional humanitarian assistance in South Vietnam and Cambodia in the amount of \$100,000,000 to be dispersed through the United Nations, other international organizations, and voluntary agencies.

The significance of S. 1484 is not the money it authorizes but the manner in which it deals with the question of possible use of United States combat forces in evacuating Americans from South Vietnam. The bill will not satisfy everyone. It is too restrictive in the view of the executive branch. And I am sure that some Members of this body think it is not restrictive enough. But the committee believes that this bill contains adequate safeguards to prevent our military reinvolvement in South Vietnam except to the extent absolutely necessary to protect American citizens and their families as they leave.

The military situation in South Vietnam worsens daily and, as it does, the danger to remaining Americans and their families increases. As the danger increases, the possibility that United States military forces may eventually be needed to withdraw Americans also increases. The committee has recommended this bill to the Senate with the full expectation that Americans and their dependents in South Vietnam will be reduced as rapidly as possible to the bare minimum necessary to carry on essential functions of the U.S. mission in Saigon.

When the dimensions of the situation in South Vietnam become fully known to the committee through a report of its staff investigators on April 14, members of the committee sought to meet with the President to express their concern and to exchange views on the situation. Members of the committee deeply appreciate the President's willingness to meet with them. There has been a response by the executive branch to the committee's concerns.

Although there is a new sense of urgency being shown by the executive branch concerning evacuation of Americans, the committee, in ordering this bill reported, unanimously adopted the following resolution to emphasize the need for expediting the withdrawal operation:

It is the sense of the Committee that all American citizens and their dependents, other than the minimum number of official personnel necessary to maintain essential functions of the United States Mission, should be withdrawn from South Vietnam as rapidly as possible.

Withdrawal of Americans should proceed with an urgency in keeping with the critical military situation facing the current South Vietnamese Government.

The principal purpose of this bill is to provide for the possibility that the use of the U.S. Armed Forces may be necessary to bring out the remaining small corps of the official American community, other Americans, and those Vietnamese who may be accommodated along with the withdrawal of the Americans. The committee fervently hopes that this authority will not be needed and that arrangements can be negotiated which will make U.S. military protection unnecessary. The committee expects that executive branch officials will actively pursue any possibility for a negotiated settlement to the conflict.

Concurrent with its action on the bill before the Senate, the committee unanimously approved a resolution—adopted by the Senate earlier today—which stresses the Senate's support for initiatives to reach a negotiated settlement. That resolution states:

That it is the sense of the Senate that the President should (a) request all Vietnamese parties to reopen discussion towards the implementation of the Agreement on Ending the War and Restoring Peace in Vietnam; (b) undertake immediately efforts to encourage and support those elements in South Vietnam who are desirous of seeking a political settlement; (c) make known to all Vietnamese parties that the extent of present and future American assistance to all Viet-



namese will depend on the degree of good faith efforts made by them to obtain a ceasefire and political solution to the conflict.

The resignation of President Thieu is a hopeful sign that may be the key to unlocking the door to negotiations.

The need for the contingent authority in this bill arises because of the existence of a number of restrictions on United States military involvement in Indochina which could be construed as prohibiting the use of U.S. military forces in a withdrawal operation, if involvement in hostile action might be encountered in carrying out the operation and due to questions relative to the extent of the President's inherent powers in this field.

This bill does not attempt to define the nature or scope of any inherent power the President may have under the Constitution to rescue endangered Americans abroad through use of the Armed Forces. However, it does recognize that, to the extent that such power may not exist, the situation in South Vietnam is of such gravity that specific authorization by statute is the proper course to follow.

In South Vietnam there are many American citizens whose Vietnamese dependents, without the authority of this bill, are in a vast grey area relative to any inherent authority the President may have in this field. The Department of State has issued a legal memorandum which contends that the President has authority to employ the Armed Forces in combat to aid in the withdrawal of American citizens and "a limited number of foreigners, if they can be evacuated in connection with an evacuation of Americans without materially changing the nature of such an effort." That assumed authority may be exercised to unforeseen lengths unless Congress imposes legal and political restraints, as the committee has recommended in this bill. Without congressionally drawn parameters the President could, under the view stated in the State Department memorandum, use forces in combat in connection with the evacuation process beyond the scope allowed in this bill.

In the event that full evacuation of Americans becomes necessary, the committee hopes that the use of our Armed Forces will not be needed to insure their safety. However, under the bill recommended by the committee, if the President determines that the use of military forces is necessary to withdraw Americans and their dependents, he could use Armed Forces to the extent they are essential to and directly connected with the protection of Americans and their dependents as they are being withdrawn. Every effort should be made by timely action to avoid creation of a situation where use of the Armed Forces seems to be the only course available. In the highly volatile conditions existing in South Vietnam, the use of U.S. Armed Forces could conceivably trigger hostile reactions which might be avoided if combat forces were not used.

If the President finds it necessary to use the Armed Forces, he must submit a report as required by the War Powers resolution. In addition to the information

required by that resolution, the President will be required to certify to Congress that:

First. There existed a direct and imminent threat to the lives of American citizens and their dependents; and

Second. Every effort was made to terminate the threat to American citizens and their dependents by the use of diplomatic and any other means available other than use of the Armed Forces; and

Third. American citizens and their dependents are being evacuated as rapidly as possible.

The certification required is almost identical to language in the Senate version of the war powers resolution, which passed this body by a vote of 72 to 18. The justification cited in the committee's report on that resolution bears repeating here:

He (the President) may not use the circumstance of their (American citizens) endangered position to pursue a policy objective beyond safe and expedient evacuation:

The committee stresses the importance of the requirement that Americans be evacuated as rapidly as possible. This requirement is directly related to the committee's limited authorization to use U.S. military forces to bring foreign nationals out along with Americans. The President would be allowed to use the Armed Forces to assist in bringing out endangered foreign nationals along with the Americans only after he has certified to Congress that:

First. Every effort has been made to terminate the threat to the foreign nationals by the use of diplomatic and any other means available other than the use of the Armed Forces; and

Second. A direct and imminent threat exists to the lives of such foreign nationals; and

Third. U.S. Armed Forces will not be required beyond those essential to the withdrawal of citizens of the United States and their dependents; and

Fourth. The duration of the exposure of U.S. Armed Forces to hostilities will not be extended; and

Fifth. The withdrawal of the foreign nationals will be confined to areas where U.S. forces are present for the purpose of protecting citizens of the United States and their dependents while they are being withdrawn.

The committee emphasizes the limited nature of this authorization. It is not intended, in any way, to authorize employment of the Armed Forces under hostile conditions to assist in evacuating vast numbers of Vietnamese but only such numbers as can be handled in direct connection with the rapid withdrawal of Americans. The bill does not allow the tail to wag the dog.

The committee is keenly aware of how events in a hostile climate can escalate out of control, despite the best intentions of policy makers. Neither the committee nor the President can foresee all of the pitfalls that may be encountered in connection with the withdrawal of Americans. Absent the strict guidelines in this bill, the pressures on military forces on the scene and on the President could conceivably result in hostile engagements

which could lead to reinvolvement in a war which the American people would like to put behind them.

This bill, narrow and limited in scope, is designed to provide a legal framework within which the President can, if necessary, employ the U.S. Armed Forces, under hostile conditions, to withdraw the remaining Americans from South Vietnam and to allow foreign nationals to be brought out with the Americans under the conditions specified. It is not a broad grant of authority but an attempt to spell out the limits to the authority which the President may exercise in the withdrawal of the American community; and should the authority be abused, the bill specifically provides that the forces employed can be removed by direction of Congress through a concurrent resolution. S. 1484 is an effort to avoid a situation where events could seize and control American policy options. All too often events have ultimately controlled U.S. policy in Southeast Asia. This bill is designed to prevent that tragedy from happening again.

The committee is deeply concerned over this plight of the refugees and other unfortunate victims of the conflicts in both South Vietnam and Cambodia. The United States has a responsibility to provide humanitarian relief aid to refugees and other war victims. But in carrying out this responsibility, we must be realistic. The time has passed for the Agency for International Development to serve as the primary conduit for dispersing U.S. humanitarian relief in Indochina. Americans have already been withdrawn from Cambodia and are being withdrawn from South Vietnam. It does not make any sense for the United States to attempt to carry out a large bilateral humanitarian relief effort in South Vietnam under these circumstances. This is a job for the United Nations, other international relief organizations such as the Red Cross and the voluntary agencies.

Although the exact dimensions of the need for humanitarian aid in Vietnam and Cambodia are undefined, it is undoubtedly substantial. In both countries, the most promising way of providing humanitarian aid during this period of political change and uncertainty is through the U.N. agencies.

The committee has authorized an appropriation of \$100,000,000 in addition to the Vietnam contingency fund of \$100,000,000 which can be used for humanitarian relief aid throughout South Vietnam and Cambodia through the United Nations, other international organizations and arrangements, or voluntary agencies. The committee believes that the United States should turn to the United Nations to handle the primary responsibility for the relief effort in South Vietnam and Cambodia. The United Nations organization has a proven capacity to perform in delicate political situations. It plays no favorites and is acceptable to all sides.

The committee also recommends the authorization of a \$100,000,000 contingency fund for the purpose of carrying out general humanitarian and withdrawal programs in South Vietnam. The funds

could be spent as the President determines is in the national interest in dealing with the present emergency in South Vietnam. The funds could be used for both humanitarian relief purposes, such as to aid refugees within the country, as well as to help finance programs related to withdrawal of Americans and those associated with American interests. In recent years, the committee has been reluctant to grant the executive branch broad discretionary authority to use foreign assistance funds. This is a significant exception to the committee's traditional view but is justified by the critical circumstances affecting the large American presence in South Vietnam.

Mr. President, the committee hopes that the authority contained in this bill to use our Armed Forces for evacuation purposes will not be needed. But we are faced with a very practical problem. The President will, if necessary, use the Armed Forces to evacuate Americans and some foreign nationals whether Congress acts or not. It is Congress responsibility under these circumstances to set the parameters under which the President can use the Armed Forces in hostilities for this purpose, following the procedure sanctioned by the War Powers resolution.

The committee has recommended a tight bill which will insure that the United States does not get back into the Indochina quagmire through inadvertence.

I hope that the committee's recommendations will be approved by the Senate.

I ask unanimous consent that the section-by-section analysis and the appendices of the report be printed in the Record, along with the text of the bill.

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

#### SECTION-BY-SECTION ANALYSIS

**Section 1. Short Title:** The short title of the Act is to be the Vietnam Contingency Act of 1975.

#### **Section 2. Vietnam Contingency Fund:**

Section 2 authorizes the establishment of a Vietnam Contingency Fund, for fiscal year 1975, in the amount of \$100,000,000 for the purpose of carrying out humanitarian and withdrawal programs in South Vietnam. The expenditure of funds authorized by this section would be governed by the provisions of the Foreign Assistance Act of 1961, as amended, and could be used as the President determines is in the national interest in dealing with the present emergency in South Vietnam. The funds could be used for both humanitarian relief purposes, such as to aid refugees within the country, as well as to help finance programs related to withdrawal of Americans and Vietnamese associated with American interests. The President would have discretion to use the funds as he sees fit in the national interest. In recent years, the Committee has been reluctant to grant the Executive Branch broad discretionary authority to use foreign assistance funds. This significant exception to the Committee's traditional view is justified, in the Committee's opinion, by the critical circumstances affecting the large American community in South Vietnam.

Funds authorized by this section can be used to finance the withdrawal of Americans and South Vietnamese. However, these funds cannot be used for general refugee support outside of South Vietnam. For example, if

Vietnamese refugees are brought to the United States or a third country through use of these funds, these funds cannot be used for their general support after arrival. Funds made available under the Migration and Refugee Assistance Act should be used or new authorizations and appropriations sought for such purposes.

#### **Section 3. Use of United States Armed Forces for Withdrawal of Americans From South Vietnam:**

If the President determines that the use of U.S. Armed Forces is necessary to withdraw citizens of the United States and their dependents from South Vietnam, section 3 authorizes the President to use the Armed Forces in a number and manner essential to and directly connected with the protection of those U.S. citizens and their dependents while they are being withdrawn.

If he decides that it is essential to employ the armed forces in withdrawal operations he shall submit a report to Congress, as required under section 4(a) of the War Powers Resolution. The Committee has noted that the President has submitted two reports to Congress under the War Powers Resolution as a result of recent uses of U.S. Armed Forces in the evacuation of U.S. personnel from Cambodia and in the evacuation of Vietnamese refugees from the northern areas of South Vietnam.

In addition to the information required by this section under section 4(a) of the War Powers Resolution the President must certify that:

(1) There has existed a direct and imminent threat to the lives of the American citizens and their dependents. However, the Committee, as stated earlier, fully expects that normal commercial, chartered and military transportation, unaccompanied by any combat forces, will be used to evacuate as many Americans as possible, as long as these methods can be used with reasonable safety. The use of U.S. combat forces, ground, sea, or air, should be used only if the situation deteriorates to the point where a direct threat to the lives of Americans exists so that protection by U.S. combat forces is called for under the circumstances.

(2) The President must also certify that prior to the employment of U.S. Forces in a hostile situation for evacuation of Americans, every effort has been made to insure the safety of Americans and their dependents through diplomatic and other means.

(3) Finally, the President must certify that the Americans and their dependents are being evacuated as rapidly as possible. The primary objective of this provision is to insure that U.S. combat forces are not employed in a hostile situation any longer than absolutely necessary. The Committee has not attempted to impose a time limit but fully expects that the withdrawal operation will be carried out expeditiously as was the recent evaluation of the remaining American citizens in Cambodia.

This requirement for rapid completion of the withdrawal operation is an essential element in the limited authority allowed for use of the Armed Forces to assist in bringing out foreign nationals along with American citizens. The withdrawal of Americans, under this authority, cannot be delayed or otherwise stretched out in order to bring out additional South Vietnamese. This bill does not allow the tail to wag the dog.

#### **Section 4. Withdrawal of Foreign Nationals Along With American Citizens and Dependents:**

Section 4 authorizes the President to use the Armed Forces, within specific limits, to assist in bringing out endangered foreign nationals from South Vietnam along with American citizens and their dependents.

In order to use U.S. Forces for this purpose, the President must certify in writing to the Congress that five conditions have been or will be met.

First, as in the requirements for use of the Armed Forces in evacuating Americans, the President must also certify that every effort has been made to end the threat to the foreign nationals to be brought out through the use of diplomatic and other means.

Second, the President must determine that a direct and imminent threat exists to the lives of the foreign nationals.

Third, he must certify that U.S. Forces will not be required beyond those essential to the withdrawal of citizens of the United States and their dependents. The size of the residual American community to be taken out will govern the types of transportation to be employed for withdrawal and the size of the protecting combat forces.

Fourth, the President must certify to Congress that the duration of the exposure of U.S. Armed Forces to hostilities will not be extended by bringing out foreign nationals along with the Americans. This requirement works in conjunction with the requirement of section 3(c)(3) that Americans and their dependents be evacuated as rapidly as possible.

The fifth, and final, requirement is that the withdrawal of foreign nationals, in conjunction with the withdrawal of Americans and their dependents, be confined to areas where U.S. Forces are present for the purpose of protecting Americans and their dependents while they are being withdrawn.

#### **Section 5. Removal of Forces by Concurrent Resolution:**

Section 8(a) of the War Powers Resolution specifies that the authority to introduce U.S. Armed Forces into hostilities cannot be inferred from any provision of law in the absence of specific authorization within the meaning of the War Powers Resolution. This section constitutes that specific authorization.

Section 5(c) of the War Powers Resolution allows the Congress by concurrent resolution to direct the President to remove U.S. Armed Forces if they are engaged in hostilities outside the United States without a declaration of war or specific statutory authorization. Section 5 of this bill provides such an authorization. However, section 5 of this bill specifies that, notwithstanding the authorization for the introduction of U.S. Forces into hostilities, Congress may by concurrent resolution, within the framework of the War Powers Resolution, direct the President to remove troops employed in connection with a withdrawal operation. Thus, Congress retains control over terminating any involvement in hostilities our forces may encounter.

#### **Section 6. Construction of Prohibitions Relative to Military Involvement in Indochina:**

Since June 1973, a number of provisions have been enacted into law designed to prohibit further U.S. military involvement in the conflicts in Indochina. The wording of the statutes varies somewhat, such as the prohibition on use of funds for "combat activities" contained in the current Department of Defense Appropriations Act, the prohibition on involvement in "hostilities" in the Case-Church Amendment to the Department of State Authorization Act of 1973, and, finally, the prohibition on financing of "military or paramilitary operations" in the McGovern Amendment to the Foreign Assistance Act of 1973. The texts of the prohibitions follow:

#### **STATUTORY PROHIBITIONS ON UNITED STATES MILITARY INVOLVEMENT IN INDOCHINA**

(In order of enactment, most recent listed first)

(1) Section 839 of the Department of Defense Appropriations Act, 1975 (Public Law 93-437) provides as follows:

SEC. 839. None of the funds herein appropriated may be obligated or expended to finance directly or indirectly combat activi-

ties by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

(2) Section 741 of the Department of Defense Appropriation Act, 1974 (Public Law 93-238) provides as follows:

Sec. 741. None of the funds herein appropriated may be obligated or expended after August 15, 1973, to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

(3) Section 30 of the Foreign Assistance Act of 1973 (Public Law 93-189) provides as follows:

Sec. 30. No funds authorized or appropriated under this or any other law may be expended to finance military or paramilitary operations by the United States in or over Vietnam, Laos, or Cambodia.

(4) Section 806 of the Department of Defense Appropriation Authorization Act, 1974 (Public Law 93-155) provides as follows:

Sec. 806. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress.

(5) Section 13 of the Department of State Appropriations Authorization Act of 1973 (Public Law 93-126) provides as follows:

Sec. 13. Notwithstanding any other provision of law, on or after August 5, 1973, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress.

(6) Section 108 of the continuing resolution enacted July 1, 1973 (Public Law 93-52) provides as follows:

Sec. 108. Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia.

(7) Section 307 of the Second Supplemental Appropriations Act, 1973 (Public Law 93-50) provides as follows:

Sec. 307. None of the funds herein appropriated under this Act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam and South Vietnam or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other Act may be expended for such purpose.

Section 6 of the bill states that the authority contained in section 3(a) may be construed to be in derogation of these prohibitions but only to the extent necessary to give effect to the provisions of that section. The Committee points out that the authority contained in section 4 may not be so construed. The prohibitions return to full force as soon as this construction is no longer necessary for the authority in this bill to be in effect.

Section 7. Humanitarian Assistance for South Vietnam and Cambodia:

Section 7 authorizes the appropriation of \$100,000,000 for humanitarian relief assistance in South Vietnam and Cambodia.

Subsection (a) is a general statement of policy which states Congress' view that it is traditional for the American people to be generous and compassionate in helping the victims of foreign conflicts and disasters. In keeping with that tradition, the bill states that it is to be the policy of the United States to provide humanitarian assistance to help relieve the suffering of refugees and other needy people who are victims of the conflicts in South Vietnam and Cambodia. To insure that the assistance is provided to such persons throughout both countries and through channels acceptable to all parties, the assistance authorized by this bill is to be provided under the direction and control of the United Nations or under the auspices of voluntary relief agencies.

Subsection (b)(1) authorizes the appropriation of \$100,000,000 for fiscal year 1975 for the purpose of providing humanitarian assistance to refugees and other needy people who are victims of the conflicts in South Vietnam and Cambodia. These funds could be used without regard to other provisions of law. This amount is in addition to the \$100,000,000 to be authorized under section 2.

Subsection (b)(2) provides that the funds made available under this section are to be furnished under the direction and control of the United Nations or its specialized agencies or under the auspices of other international organizations, international agreements, or voluntary relief agencies.

Subsection (b)(3) provides that not less than ninety days after the date of enactment of the bill and not later than the end of each ninety-day period thereafter, the President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing fully and completely—

(A) the amount of each type of economic assistance provided under this Act;

(B) the expected recipients of such assistance;

(C) the names of all organizations and agencies involved in the distribution of such assistance; and

(D) the means with which such distribution is carried out.

In stressing the importance of the United Nations as a conduit for humanitarian assistance to Indochina, the Committee noted the following statement made by the Secretary General of the United Nations:

STATEMENT BY SECRETARY-GENERAL ON HUMANITARIAN ASSISTANCE TO INDOCHINA AT PRESS BRIEFING AT HEADQUARTERS ON APRIL 17

On the Occasion of the International Conference on Viet-Nam in Paris on February 1973, I emphasized that the United Nations stood ready to assume its responsibilities wherever and whenever it was called upon to offer useful and realistic assistance. At that time I also made it clear that "should the Governments of the area so desire, the United Nations and its family of organizations could play a significant role in receiving, coordinating and channeling international relief and rehabilitation assistance to the Governments and peoples of the area. Such aid would, of course, be provided without discrimination of any kind."

Ever since that time the United Nations system has been operating on this basis, providing humanitarian assistance without discrimination wherever and whenever requested. It has persevered successfully in this task despite the military situation which obviously makes it much more difficult to help the victims of this War.

On 31 March, I appealed to all concerned to do everything within their means to relieve the plight of innocent persons, including those who have been displaced. I also ear-

nestly requested the governing authorities on all sides of the fighting to do their utmost to limit the suffering of innocent people.

In the following week, I met in Rome with the heads of all United Nations agencies and programmes who fully endorsed and supported the initiatives I had taken to mobilize increased humanitarian assistance throughout Indo-China. At this same time, I appointed Sir Robert Jackson, whose long and comprehensive experience in this field is well known, to co-ordinate at United Nations Headquarters all efforts of the United Nations system to respond to this humanitarian emergency. In particular, the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Refugees (UNHCR), which have had continuing programmes of humanitarian assistance on both sides of the conflict in Indo-China, are intensifying their emergency operations in Indo-China.

The United Nations system has acted vigorously, positively and spontaneously to do all within its possibilities to be of assistance to the people of Indo-China. There has been no hesitation whatever, on my own part or on the part of any elements of the United Nations system, to take every possible initiative to provide the maximum assistance.

Although events in Indo-China during the past three weeks have evolved so rapidly that it has been virtually impossible to assess with precision emergency needs in specific areas, it is obvious that suffering is continuing and far greater humanitarian assistance is vitally and urgently needed. At this moment, personnel from the United Nations system are working round the clock in the field and at Headquarters in order to ascertain what supplies are needed most urgently and to determine how supplies can best be transported to areas where it is possible to deliver them. As each day passes, we should get a clearer picture of just what is needed and where it is needed.

Various governments have asked me to state what I would consider, at this time, to be a reasonable target figure for essential needs in the foreseeable future. After careful consideration, I believe that in this immediate phase \$100 million is needed to meet essential, and I repeat essential, requirements excluding bulk food supply.

I therefore urgently renew my appeal to all who may be in a position to help to do everything within their means to relieve the plight of the millions who are suffering in Indo-China. I shall never cease in my own efforts, to ensure that the United Nations play its essential role in healing the wounds of those who have been the victims of war and disaster.

#### APPENDIX A

U.S. SENATE,  
OFFICE OF THE LEGISLATIVE COUNSEL,  
April 15, 1975.

Memorandum to: Senate Committee on Foreign Relations.

Attention: Norvill Jones.

From: Michael J. Glennon, Assistant Counsel.  
Subject: Constitutional and Statutory Authority of the President to Evacuate Citizens of South Vietnam from South Vietnam.

You have asked our opinion (1) whether the President has the power under the Constitution, independent of any congressional authorization, to use the armed forces of the United States to evacuate from South Vietnam citizens of South Vietnam, and (2) whether such authority may be inferred from any statute.

#### 1. CONSTITUTIONAL AUTHORITY

We have concluded that the President has no constitutional authority to do so if such use would introduce United States armed



forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

The congressional understanding of the scope of the President's constitutional power in this area is set forth in section 2(c) of the War Powers Resolution. That section provides as follows:

"(c) The constitutional powers of the President as Commander in Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war; (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories, or possessions, or its armed forces."

It is a question of fact whether such use of the armed forces would introduce them "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." In the event such conditions do obtain, the Congress has expressed its belief that the Constitution requires either a declaration of war or specific statutory authorization for the President to use the armed forces for a purpose such as the one stated above.

The legislative history of the War Powers Resolution suggests that, notwithstanding the use of the word "only" in that subsection, a limited constitutional power may exist on the part of the President to introduce the armed forces into such situations in order to evacuate citizens of the United States.

However, nothing in the legislative history of the War Powers Resolution would indicate that this power was contemplated to extend to citizens of foreign countries.

Moreover, an argument that such a power exists notwithstanding the congressional understanding to the contrary, would be without constitutional support. A settled, unchallenged course of Presidential action may over the years raise a presumption that a constitutional power exists. In this instance, however, the course of action, insofar as it has been constitutional, has been characterized by uses of the armed forces connected with and required for the protection of an immediate, identifiable interest of the United States, as in the case of citizens of the United States or members of the Armed Forces threatened by hostilities. To the extent that the use of the armed forces is for the protection or vindication of a more remote interest, and to the extent that that use is undertaken without congressional concurrence, such use may be viewed as being beyond the President's constitutional power.

Accordingly, it is the opinion of this Office that, absent a declaration of war or specific statutory authorization, the President may not constitutionally use the armed forces of the United States to evacuate citizens of South Vietnam from South Vietnam if such use would introduce such forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

## 2. STATUTORY AUTHORITY

We have concluded that the President has no statutory authority to use the armed forces of the United States to evacuate from South Vietnam citizens of South Vietnam if such use would (a) introduce those forces into hostilities, or into situations wherein involvement in hostilities is clearly indicated by the circumstances, or (b) violate any statutory prohibition against the use of funds for certain purposes in South Vietnam.

Section 8(a)(1) of the War Powers Resolution prohibits the inference that a statute allows the introduction of the armed forces into situations involving hostilities unless the statute in question (1) "specifically authorizes the introduction" of those forces into

such situations, and (2) "states that it is intended to constitute specific statutory authorization within the meaning of" the War Powers Resolution. Section 8(a)(1) provides as follows:

"SEC. 8. (a) Authority to introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances shall not be inferred—

"(1) from any provision of law (whether or not in effect before the date of the enactment of this joint resolution), including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution;"

There is no statute which specifically authorizes the introduction of the armed forces of the United States into hostilities in South Vietnam, or which states that it is intended to constitute specific statutory authorization for such introduction within the meaning of the War Powers Resolution.

On the contrary, at least seven different statutes have specifically prohibited the use of funds for various military purposes in South Vietnam. (See appendix.)

Accordingly, it is the opinion of this Office that the President is without statutory authority to use the Armed Forces of the United States to evacuate citizens of South Vietnam if such use would (a) introduce such forces into hostilities, or into situations wherein involvement in hostilities is clearly indicated by the circumstances, or (b) violate any statutory prohibition against the use of funds for certain purposes in South Vietnam.

## APPENDIX B

PUBLIC LAW 93-148—93D CONGRESS, H.J. RES. 542—NOVEMBER 7, 1973

Joint Resolution Concerning the war powers of Congress and the President

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.

## SHORT TITLE

SECTION 1. This joint resolution may be cited as the "War Powers Resolution".

## PURPOSE AND POLICY

SEC. 2. (a) It is the purpose of this joint resolution to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.

(b) Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

(c) The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

## CONSULTATION

SEC. 3. The President in every possible instance shall consult with Congress before introducing United States Armed Forces into

hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

## REPORTING

SEC. 4. (a) In the absence of a declaration of war, in any case which United States Armed Forces are introduced—

(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

(2) into the territory, airspace or waters of a foreign nation, while equipped for combat except for deployments which relate solely to supply, replacement, repair, or training of such forces; or

(3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation;

the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

(b) The President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

(c) Whenever United States Armed Forces are introduced into hostilities or into any situation described in subsection (a) of this section, the President shall, so long as such armed forces continue to be engaged in such hostilities or situation, report to the Congress periodically on the status of such hostilities or situation as well as on the scope and duration of such hostilities or situation, but in no event shall he report to the Congress less often than once every six months.

## CONGRESSIONAL ACTION

SEC. 5. (a) Each report submitted pursuant to section 4(a)(1) shall be transmitted to the Speaker of the House of Representatives and to the President pro tempore of the Senate, on the same calendar day. Each report so transmitted shall be referred to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations of the Senate for appropriate action. If, when the report is transmitted, the Congress has adjourned sine die or has adjourned for any period in excess of three calendar days, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable (or if petitioned by at least 30 percent of the membership of their respective Houses) shall jointly request the President to convene Congress in order that it may consider the report and take appropriate action pursuant to this section.

(b) Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any sense of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. Such sixty-day period shall be extended for not more than an additional thirty days if the

President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.

(c) Notwithstanding subsection (b), at any time that United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or specific statutory authorization, such forces shall be removed by the President if the Congress so directs by concurrent resolution.

#### CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OF BILL

SEC. 6. (a) Any joint resolution or bill introduced pursuant to section 5(b) at least thirty calendar days before the expiration of the sixty-day period specified in such section shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and such committee shall report one such joint resolution or bill, together with its recommendations, not later than twenty-four calendar days before the expiration of the sixty-day period specified in such section, unless such House shall otherwise determine by the yeas and nays.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out not later than fourteen calendar days before the expiration of the sixty-day period specified in section 5(b). The joint resolution or bill so reported shall become the pending business of the House in question and shall be voted on within three calendar days after it has been reported, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than four calendar days before the expiration of the sixty-day period specified in section 5(b). In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than the expiration of such sixty-day period.

#### CONGRESSIONAL PRIORITY PROCEDURES FOR CONCURRENT RESOLUTION

SEC. 7. (a) Any concurrent resolution introduced pursuant to section 5(c) shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and one such concurrent resolution shall be reported out by such committee together with its recommendations within fifteen calendar days, unless such House shall otherwise determine by the yeas and nays.

(b) Any concurrent resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar

days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a concurrent resolution passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out by such committee together with its recommendations within fifteen calendar days and shall thereupon become the pending business of such House and shall be voted upon within three calendar days, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a concurrent resolution passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such concurrent resolution within six calendar days after the legislation is referred to the committee of conference. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed. In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement.

#### INTERPRETATION OF JOINT RESOLUTION

SEC. 8. (a) Authority to introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances shall not be inferred—

(1) from any provision of law (whether or not in effect before the date of the enactment of this joint resolution), including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution; or

(2) from any treaty heretofore or hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of United States Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of this joint resolution.

(b) Nothing in this joint resolution shall be construed to require any further specific statutory authorization to permit members of United States Armed Forces to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of enactment of this joint resolution and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.

(c) For purposes of this joint resolution, the term "introduction of United States Armed Forces" includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities.

(d) Nothing in this joint resolution—

(1) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties; or

(2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

#### SEPARABILITY CLAUSE

SEC. 9. If any provision of this joint resolution or the application thereof to any person or circumstance is held invalid, the remainder of the joint resolution and the application of such provision to any other person or circumstance shall not be affected thereby.

#### EFFECTIVE DATE

SEC. 10. This joint resolution shall take effect on the date of its enactment.

S. 1484

A bill to authorize the President to use the Armed Forces of the United States to protect citizens of the United States and their dependents and certain other persons being withdrawn from South Vietnam, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Contingency Act of 1975".*

SEC. 2. There is established a Vietnam contingency fund for use during the fiscal year 1975 in the amount of \$100,000,000 and there is authorized to be appropriated not to exceed such sums, to be used only for humanitarian and withdrawal purposes in South Vietnam in accordance with the provisions of the Foreign Assistance Act of 1961, as amended, as the President determines is in the national interest with respect to dealing with the present emergency in South Vietnam. Such amount shall be available without regard to the provisions of sections 36 and 38 of the Foreign Assistance Act of 1974.

SEC. 3. (a) If the President determines that the use of United States Armed Forces is necessary to withdraw citizens of the United States and their dependents from South Vietnam, the President may, in accordance with the provisions of subsection (b), use such Armed Forces in a number and manner essential to and directly connected with the protection of such United States citizens and their dependents while they are being withdrawn.

(b) If the President uses the United States Armed Forces for the purposes stated in subsection (a) of this section, he shall submit a report on the use of those forces as required by section 4(a) of the War Powers Resolution (including the certification required under subsection (c) of this section) and shall comply with all other provisions of that resolution.

(c) In addition to the information required under section 4(a) of the War Powers Resolution, the President shall also certify pursuant to subsection (b) of that section that—

(1) there existed a direct and imminent threat to the lives of such citizens and their dependents; and

(2) every effort was made to terminate the threat to such citizens and their dependents by the use of diplomatic and any other means available other than use of the Armed Forces; and

(3) such citizens and their dependents are being evacuated as rapidly as possible.

SEC. 4. In carrying out the withdrawal of such United States citizens and their dependents from South Vietnam pursuant to section 3 of this Act, the President is authorized to use the United States Armed Forces to assist in bringing out endangered foreign nationals if he determines and certifies in writing to the Congress pursuant to section 4(b) of the War Powers Resolution that—

(a) every effort has been made to terminate the threat to such foreign nationals by the use of diplomatic and any other means available other than the use of the Armed Forces; and

(b) a direct and imminent threat exists to the lives of such foreign nationals; and

(c) United States Armed Forces will not be required beyond those essential to the with-



drawal of citizens of the United States and their dependents; and

(d) the duration of the exposure of United States Armed Forces to hostilities will not thereby be extended; and

(e) such withdrawal will be confined to areas where United States forces are present for the purpose of protecting citizens of the United States and their dependents while they are being withdrawn.

Sec. 5. The authority contained in this Act is intended to constitute specific statutory authorization within the meaning of section 8(a) of the War Powers Resolution but shall not be considered specific statutory authorization for purposes of section 5(c) of the War Powers Resolutions, and as provided by such section 5(c) such forces shall be removed by the President if the Congress so directs by concurrent resolution.

Sec. 6. The provisions of section 3(a) of this Act may be construed to be in derogation of the prohibitions contained in section 839 of Public Law 93-437, section 741 of Public Law 93-238, section 30 of Public Law 93-189, section 806 of Public Law 93-155, section 13 of Public Law 93-126, section 108 of Public Law 93-52, and section 307 of Public Law 93-50, only to the extent necessary to give effect to the provisions of section 3(a).

Sec. 7. (a) It is traditional for the American people to be generous and compassionate in helping the victims of foreign conflicts and disasters. In keeping with that tradition it shall be the policy of the United States to provide humanitarian assistance to help relieve the suffering of refugees and other needy people who are victims of the conflicts in South Vietnam and Cambodia. To insure that the assistance is provided to such persons throughout both countries and through channels acceptable to all parties, the assistance authorized by this Act is to be provided under the direction and control of the United Nations or under the auspices of voluntary relief agencies.

(b) (1) Notwithstanding any other provision of law, in addition to amounts made available under section 2 of this Act, and in addition to those amounts otherwise available for assistance to South Vietnam and Cambodia, there are authorized to be appropriated to the President for the fiscal year 1975, to remain available until expended, \$100,000,000 for the purpose of providing humanitarian assistance to refugees and other needy people who are victims of the conflicts in South Vietnam and Cambodia.

(2) Funds made available under this section shall be furnished under the direction and control of the United Nations or its specialized agencies or under the auspices of other international organizations, international agreements, or voluntary relief agencies.

(3) Not less than ninety days after the date of enactment of this Act and not later than the end of each ninety-day period thereafter, the President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing fully and completely—

(A) the amount of each type of economic assistance provided under this Act;

(B) the expected recipients of such assistance;

(C) the names of all organizations and agencies involved in the distribution of such assistance; and

(D) the means with which such distribution is carried out.

Mr. SPARKMAN. Mr. President, I call attention to an error in the printing of the report on this bill.

It is to be found on page 3 in the first paragraph on that page, in what is supposed to be the text of the committee resolution. The resolution consists of only

the first sentence of that paragraph. The remainder of the paragraph belongs in the body of the report; it is not part of the resolution adopted by the committee.

I ask unanimous consent that our staff may be permitted to straighten that out for the RECORD.

The PRESIDING OFFICER (Mr. BROOKE). Without objection, it is so ordered.

Mr. SPARKMAN. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, the chairman has made an admirable statement of the situation, including the proposed legislation. I shall not traverse the ground that he has already covered. However, I do wish to make a few remarks before I discuss the substance of the bill.

I wish to underscore what the chairman has already stated about the cooperation of the President with our committee in this matter. It was a good meeting. Frank views were exchanged on both sides. I know that the committee benefited, and I believe the President also benefited, as well as the Secretary of State and the Secretary of Defense, who were also there. I am very sure that the Secretaries, for example, got a better idea of what the committee felt its responsibilities were in this situation. All in all, the meeting was a very wholesome and important development.

We emphasized at that time, we considered all during the week that followed, and we reemphasize now, our deep concern about removing as quickly as possible all except the most essential Americans from South Vietnam. I think that our concern has now had an impact upon the executive branch, particularly those on the scene in Saigon. We certainly hope that it has. We shall continue to get reports up until the time we vote on this legislation, which, I understand from the majority leader, will not be until tomorrow some time, so we can keep current about the situation.

I know that the fact that, up until the time we voted on the bill on Friday, we had not received enough hard information about the evacuation policy and its implementation, is one reason why I believe, two of the three who voted against recommending this bill had that as their reason for doing so. They were not yet convinced that the evaluation was proceeding fast enough. But they will speak for themselves.

In addition to expressing my appreciation to the President for the way in which he has been handling this matter, I want to express, and I am sure I speak for all the members of the committee, my personal appreciation for the work that the staff has done, both those who went out to the Far East and made this recent study for us and those who remained here at home and have worked with great diligence and great skill and great care in guiding our deliberations and in preparing the report and the remarks that had been prepared. They worked with extraordinary dedication and effectiveness. I wish to say it was a great satisfaction to be part of this organization.

Lastly, for myself and the minority. I

wish to express appreciation to the chairman for the job he has done in guiding this. Without any suggestions of obtruding on us, he has kept our nose to the grindstone. The committee has worked with intelligence and in a way that is in the best tradition that the committee has established over the years. It has been a considerable satisfaction to me.

On the substance of this matter I do not need to add much to what the chairman has said. It is a limited bill. It is not an attempt to produce a grandiose settlement of anything. It is a sad thing that we have to deal with a matter of this kind, and yet we have to deal with it. I am not one of those who thinks, either, that this could have been prevented by a great change in American policy at any time in the past or that we were engaged in a wrong kind of action until, perhaps, toward the end, and when it seemed clear to me that we should have terminated our activities somewhat sooner than we did. I think we went in there for a good purpose and did accomplish things. I do not think that a single American who died there died in vain. I wish to reiterate that, because we may hear some recrimination about that. I think that we did serve a useful purpose in stabilizing that part of the world after the war. I think if we had not done this, consequences which we can hardly foresee now, or even imagine, might have followed and that we would have had great trouble, which we did stop by our effort to provide stability there. If that is not a worthy purpose and a worthwhile result, I should like to know what is.

We did not go in to conquer people. We did not go in even to establish a government. We went into provide stability and I think we accomplished that. I do not think that the American people need hang their heads in shame. No one who lost dear ones in that conflict should feel that those lives were lost in vain in any sense. I think that if we come to that realization, it may be easier for this country to continue in a sound direction after the very great disappointments that we have suffered there, without going through a period of bitter recrimination.

I think it is important to say this now, Mr. President, because we will be told that if we had given billions of dollars, South Vietnam, under its present government, or the late government, might have survived. But in reality there was an inevitability about what happened that no change in our policy or amount of money could have affected significantly. I am satisfied that somehow or other, not because of any one individual's great judgment or great sense, but because of the kind of sense of the American people, we did just about the right thing—maybe too slowly as far as termination goes. I do not think that any plan could have changed this result.

Yet, I say again, what we did was not in vain. What we did served a useful purpose, and I think that history will prove that that is so.

So we come to a period of termination. Our greatest hope is that it will not result in what some of us have feared, the kind of bloodshed, orgy of destruction, that has been held out as the inevitable

result of the termination of American assistance.

We shall do our best, and this bill is an effort to guide the administration, as far as we properly can, in bringing out all Americans and their dependents, and such Vietnamese whose lives are endangered as may incidentally be brought out with them. When I say "incidentally," I mean exactly that. That is what the bill provides. This is not an effort to evacuate great numbers of Vietnamese. It cannot be done by a military operation. I hope that all Vietnamese will receive decent treatment, and I hope that the negotiations which may now be possible will lead to this.

But we cannot—and we are not attempting it by this legislation; there should be no doubt about that—provide for the enforcement of that decent treatment by American military action. That could not be done without the reintroduction of our military forces in such numbers as would lead to a reinvolvement in the war itself.

We determined that that would not be our recommendation, as we feel the American people have made that determination already, for better or for worse. We have seen what a never-ending process the effort to run another country by military force is. And I think we have learned that it is not possible without losses that are unacceptable from our standpoint and losses that are unacceptable from the standpoint of the people whom we are trying to help.

Mr. President, as I have said, I am sure that not everyone will be satisfied with this legislation. It is not possible to draw legislation that is satisfactory in circumstances such as we face here. But I do believe that in its own way it does provide a kind of guidance for the sort of action that this country ought to take.

In respect of the \$100 million humanitarian assistance fund, I thoroughly agree with the authorization for the expenditure of that through the United Nations and through private agencies as the right way to do it, and the only way to do it. Perhaps this will be a forerunner of an international relief effort to correct things there, and to help the people who have so grievously suffered the devastation of war for so many, many years.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield for a question?

Mr. CASE. I am happy to yield.

Mr. HARRY F. BYRD, JR. Will the Senator from New Jersey give us the distinction as to the difference between the \$100 million in section 2, to be used for humanitarian and withdrawal purposes, and the \$100 million in section 7(b), which provides for humanitarian assistance to refugees and other needy people? How do those items mesh, one as to the other?

Mr. CASE. In a sense one could say that these are two different kinds of things, and yet it seemed to us quite appropriate to put them into one piece of legislation.

The second fund, that is, the fund I just mentioned myself, the one provided in section 7, I think it is, is purely for

humanitarian relief, and would be spent purely as directed and through the United Nations and private agencies. It is not a government operation.

The first fund, the contingency fund, is for the purpose of effecting withdrawal. For that reason, and in accomplishing that purpose, the President can spend it for anything in the world. We want him to spend it, as far as he can, for humanitarian purposes, to the extent that that kind of expenditure will facilitate withdrawal. But this will be an American effort, the purpose being withdrawal, and the President is not limited to humanitarian expenditures.

Mr. HARRY F. BYRD, JR. So it will be for the purpose of withdrawing American forces, but in the process of withdrawing American forces it can be used for humanitarian purposes of Vietnamese nationals?

Mr. CASE. It could be used for exactly that. The purpose, as I said, is withdrawal of American nationals. Not American forces; I think the Senator spoke inadvertently when he said that.

Mr. HARRY F. BYRD, JR. Yes, American nationals, right.

Mr. CASE. And this money may be used for the benefit of South Vietnamese nationals for any purpose that the President finds—and we want him to have flexibility here—will be helpful in evacuating American nationals and their dependents. That is the purpose of that.

Mr. HARRY F. BYRD, JR. Then the other \$100 million, it is envisioned, would be turned over to international organizations to expend on behalf of Vietnamese refugees and other needy people, as expressed here?

Mr. CASE. That is exactly right.

Mr. HARRY F. BYRD, JR. I thank the Senator from New Jersey.

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

Mr. CASE. I am happy to yield.

Mr. HUGH SCOTT. I would like to make a couple of points. First, there are some of us who would prefer to have U.S. Government participation in the distribution of the humanitarian fund. I believe we could fully rely on their honesty and their capacity to do it, as against the distribution by international organizations. However, the main thing is to get the humanitarian aid there, the food and the clothing.

What I would want to be sure of in the administration of this legislation is that the food and clothing are not used for political purposes; that they are not used, for example, by someone in the United Nations who has a bureaucratic international job, who might seek to misuse the distribution to protect an ideology, or to give aid and comfort to one of the tribes there which have been hostile in some of their purposes.

I do not suppose we are going to get the protection I would like to have through the international organizations. However, the majority of the committee felt otherwise, and again I repeat, the important thing is to get the funds there.

As to the \$100 million which the President can use in any way he sees fit, the purpose is to evacuate Americans and their dependents and such foreign na-

tionals as may be evacuated as a part of the same overall general operation. That includes certain third country personnel, a small number of them, who are over there for various purposes including construction work. It includes contractors and their dependents, those who are aliens—that is, not American citizens or nationals—and it includes those Vietnamese, with their dependents, who can be evacuated as a part of this operation.

We did evacuate more Cambodians, actually, than we evacuated Americans in Operation Eagle Pull, although it was a much smaller operation.

The withdrawal process is moving quite rapidly. It is moving well. We will soon be down to the absolute minimum number of those who are deemed to be essential personnel. Those can be moved expeditiously under plans already existing.

Finally, I would not want it said the administration does not have or did not have a plan for withdrawal. They have had a plan for withdrawal for a very considerable period of time. The committee felt, some of them particularly, that that withdrawal should occur more rapidly, and urged that upon the President, who agreed, and has issued certain orders through certain cables to those in charge in which the instruction to expedite the evacuation was passed along. So the committee served this purpose also.

But there was a plan, and to say there was no plan, I submit, would be misleading. The plan is working. The plan worked perfectly in Cambodia, without loss to American personnel or their dependents. We hope and pray it will work as well here.

It has to be done in this fixed form of operation in order to assure safety. This operation is far better than an operation pell-mell, which might actually endanger American lives.

So I believe the committee has come up with a compromise, but that is, however, a representation of all we are going to get from the committee. It may be all we will get from the Senate, other than what the Senate Armed Services and Appropriations Committees see fit to send over.

Therefore, for those reasons, with some concerns about some specific parts of the legislation, I intend to vote for it.

Mr. CRANSTON. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. HUGH SCOTT. I am glad to yield to the Senator from California.

Mr. CRANSTON. The Senator referred to getting down to essential personnel. I would appreciate it if he could explain what are believed to be essential personnel. It would seem to me that certain people would stay for some uncertain, perhaps everlasting, period of time.

Mr. HUGH SCOTT. Well, I could answer the Senator somewhat more in detail and could give him a more detailed answer off the floor because I do not want to say anything that would involve us here in a question of priority between (a) who go and (b) who stay.

Generally speaking, essential personnel are those essential to the operation

of the Embassy, essential to the provision of security—I would assume, of course, that would include the Marine guards at the Embassy in that category—those who are essential for the preservation of documents and records until removed; those who are essential to the operation of the airlift itself and to other means of withdrawal of personnel and, perhaps, some of the contractor personnel who are essential.

Then there will be some essential aliens, aliens both to Vietnam and to the United States, but who will be maintaining Embassies there and may elect to ask that some of their personnel be withdrawn.

Mr. CRANSTON. I would like to ask another question, if I may. The Senator made some reference to plans that were well established for withdrawal at any time being necessary, apparently, for even those people. I understand that the land routes are now closed, that sea routes will probably be closed in a matter of some hours, and that air routes out are pretty uncertain and dangerous at this point.

Does the Senator really feel there can be assurance at all times that it is possible to evacuate those we wish to evacuate?

Mr. HUGH SCOTT. I feel if Congress enacts this legislation the answer would be, in my judgment, my best judgment, yes. Once we reach the figure of the essential personnel at some time later this week, and if the situation stabilizes through this week, yes; then I believe we could remove them and, if necessary, remove them all in a single operation.

Mr. CRANSTON. That would be with the possible use of American military personnel for that purpose, obviously?

Mr. HUGH SCOTT. Well, I think that would depend on the internal situation in South Vietnam at that time because I do not know of any American who would not want us to use every available method at that time. I do not think it helps us to speculate on what we might do because in Cambodia we do not have to do it.

Mr. CRANSTON. I recognize the fact obviously that every American wants all Americans to be able to get out if that becomes essential.

Is it the Senator's feeling that the important reason for passing this measure, however, is to provide fully and clearly the authority for use of American military personnel for that reason, if necessary, and the funding therefor?

Mr. HUGH SCOTT. Yes. I would say to the Senator the answer is definitely in the affirmative. We are accompanying the protective authorization, the \$100 million fund with another \$100 million for humanitarian purposes; that the first \$100 million can also include humanitarian purposes; that the combination ought to be sufficient to keep the situation so stabilized as to permit the withdrawal of all American personnel.

I agree with the Senator from California that I am sure he wants all of those people out just as fast as he can, consistent with the safety of each and every one of them.

Mr. CRANSTON. Yes.

Mr. HUGH SCOTT. I assure the Senator so do I. I am sure the Senator knows the full committee felt the same way.

Mr. CRANSTON. I thank the Senator very much.

I would like to ask the Senator from New Jersey one question.

What is the meaning of "dependents"? What are we referring to?

Mr. CASE. So that we do not have any problem later, I am not going to answer that off the top of my head. I want to get a technical answer here from our staff.

Spouse, mother and father of the spouse, minor children of the spouse.

Mr. CRANSTON. I thank the Senator.

Mr. CASE. Mr. President, I shall not hold the floor except for just one second. The Senator from Pennsylvania made one statement that I wanted to be sure was correct, for the purposes of legislative history, with regard to the disposition of the \$100 million humanitarian fund. We do direct that that be spent under the direction and control of the United Nations or its specialized agencies or under the auspices of other international organizations, international agreements or voluntary relief agencies. It does not have to be the United Nations. Voluntary relief agencies may dispose of this under the terms of the bill.

I want it very clear so that there will not be any question later on with regard to the legality of that disposition, if the President should deem it the most desirable one.

I have kept Senator GOLDWATER from the floor for a long time. He has been most indulgent, and I look forward, as I yield the floor, to hearing his remarks.

Mr. GOLDWATER. The Senator from New Jersey need not worry about causing any undue delay on my part because I am not going to direct my remarks directly to S. 1484. But, during the course of my short remarks, I will comment on it.

Mr. President, I think the time has come that we put this whole subject into its proper order.

This came to me when I was recently in Taipei to attend the funeral of Generalissimo Chiang Kai-shek, and while I was over there I read on the ticker that was made available to me in my quarters something about the following which pretty much covers it. The dateline was the Philippines, and the columnist was Mr. Teo Doro Valencia who had written, speaking of the Philippines:

We shall remain friends with the United States, but such friendship must be based on her promise not to help us the way she helped Cambodia and South Vietnam.

Then, reading further from Manila, a quotation by a university professor in which he said:

American power was a vehicle for spreading the beneficent aspects of Western Christian culture. In exercising their collective conscience in favor of a withdrawal, the Americans abandoned the opportunity to disseminate a value system that made theirs and other nations great.

I was writing this down, not knowing when the vote might come, and I said,

"It may be by the time I am able to deliver this message, if you would call it that, or a speech, if one prefers, reaction on aid to Vietnam would have passed because I am writing this in Taipei, and I may not get back in time for final action on the subject."

I opened these remarks with these two quotes because I believe that the damage that will come to the United States will come from a repetition of this type of thinking all over the globe. Put that way, in my opinion, we are not voting on aid for South Vietnam. We are actually voting on aid for our country, the United States.

Mr. President, I had this brought home to me very forcefully in Taipei. There were some 30-odd countries represented there, and during the course of the day and evening we were able to get together with representatives of other countries and, without exception, the discussion got down to the word of the United States and how much our commitments mean any more.

Mr. President, you see there are four different Presidents of our country who have made moral commitments to the South Vietnamese, commitments which have been heard around the world, and now we are giving every indication of reneging on those commitments.

Frankly, speaking from the military standpoint, I do not know if we voted the full amount it would mean any difference to the outcome in South Vietnam. Frankly, to use an old saying, I think they are "down the tube." So I do not look on this vote, if I am able to cast it—and I will—as a vote for that part of the world, but more importantly, as I have said before, a vote for my part of the world, the United States.

Are we going to become a nation known as renegades, double-talkers or, to put it a little more bluntly, liars?

So I do not want to even get into this aspect of this whole problem. I will not, either, join others who are trying to blame this particular Congress, or any Congress, for trouble. I do not think it is fair to blame a Democratic Congress, or for that matter Republicans who might agree with those on the opposite side who feel as they do, because to be honest I do not believe a Congress has had anything to do or much to do about what has gone on in Vietnam.

The purpose of this presentation then is to try in a brief way to trace where the blame might be put for the lamentable and sorry experience and, yes, let me add, humiliating experience that my country has gone through in our energy in Southeast Asia.

I am not a member of the Foreign Relations Committee, but I have a very natural interest in this whole dreadful experience because, in case some of you have forgotten, I sought the Presidency back in 1964, and I had to make a thorough study and obtain a thorough understanding of what we had committed ourselves to in South Vietnam and what we were doing about it.

Mr. President, I was subjected to all the violent attacks that my opponents could muster, opponents from both sides

of the aisle. I was called a warmonger. The question was asked, "Whose thumb do you want near the red button?"

I even watched commercial television displays which showed a little girl picking a daisy petal by petal only to be destroyed by an atomic bomb supposedly brought about by my own actions. So, I know something about this subject.

Mr. President, I doubt that any one person, a person who is actually actively engaged in day-to-day promulgation of our engagement in South Vietnam, could know any more. So I would like to share my feelings with my colleagues, whether they agree with me or not.

Now, the history of this whole debacle in Southeast Asia. Back in 1954 at the Geneva Conference, the United States did not sign the papers because it did not call specifically enough for a time of election where the two Vietnams might of their own free choosing come together again and disallow the division set up by the DMZ or the 17th parallel.

So President Eisenhower agreed—I would not say agreed—he said to the South Vietnamese, "If you get into trouble we will help you," and when they did get into trouble he sent some advisers. If my memory is correct, he sent about 1,600 advisers, some rather obsolete T-28 aircraft, some motorized equipment, but the man in uniform, who did not wear the uniform then—was there in the capacity of adviser.

Then, when President Kennedy came into power, he sent 16,000 troops to South Vietnam with the natural orders to shoot back if they were shot at.

Then, in 1965, President Johnson made it an almost unlimited war.

Now, that is the background of it. Each of those three men, plus President Nixon, made moral commitments to South Vietnam, also to Cambodia, and I believe to some extent to Thailand.

But, Mr. President, where we made our dreadful mistake, and history is going to record this as probably the worst fought war in the history of the world, when President Kennedy first sent men over there he did not at the same moment—the same moment—make up his mind to win that war.

Now, let me remind everyone that we do not get in a fight unless we intend to win it, we do not get into a war unless we intend to win it, but we got into a war with absolutely no intentions to win it, although we sounded like we wanted to.

My good friend from New Jersey has, I think, very correctly recognized that there was a lot of wisdom in what we did in getting there, but the wisdom ended with that decision.

We might ask, why were we not allowed to win the war? I will never be able to answer that completely, Mr. President, until the Pentagon will downgrade the classification on papers that are still held pertaining to the daily operation of this war. I am trying, trying, trying to get them made available to me so I can put them in the Record so my colleagues can read what were called the rules of engagement.

It will not be believed, particularly by any of the men who served in World

War II or in Korea. They will not believe what Secretary McNamara forced down the throats of our fighting men in Southeast Asia. We nearly had a general officer courtmartialled because he ordered the destruction of a radar site which was vectoring MIG's into the destruction of our helicopters, and we were merely trying to evacuate wounded and to help people. The rules of engagement said we could not attack radar sites, we could not attack a SAM sight, we could not attack convoys on the road taking SAM's or ammunition, we could not attack unless a photograph was made of it and it was sent back to the United States and either the President or Secretary McNamara decided whether or not that target could be hit. By the time the orders got back, that target was not there.

Mr. President, I hope some day to be able to present to this body evidence of what I have been saying for the last 10 years: That we made no effort to win that war, that we could have won that war, in my opinion, within a matter of a few weeks, but we did not do it. We did not use our power, and I am not speaking of nuclear power; I am speaking of conventional weapons which finally brought North Vietnam to its knees. Had we had the proper kind of negotiations, punctuated with additional bombing, Hanoi would still, I am sure, be living up to the terms of its agreement.

Mr. President, in this bill there is constant reference to, although not particularly specific, the War Powers legislation passed, over my objections.

I would like to just call the attention of my colleagues once again to that part of the President's speech, the President of the United States, who said he did not believe under the law he had the right to protect American property or American lives. I warned about that in the debate on the floor and now when we are getting ready to debate it, and it will be debated, it will be explained; we will spell out to our potential enemies exactly what we will do and what we will not do.

If anyone has ever had to make an estimate of the situation, we will just welcome an enemy with open arms, telling what we intend to do, and that is precisely what we are doing.

We are talking about the withdrawal of people for humanitarian purposes and the question comes to my mind, what happens when the first C-141, the first C-5, the first DC-8 or 747 is destroyed by enemy action? I guess the President is going to have to come back to this body and ask permission to chase those nasty little people who shot up American equipment.

I think we are going to live to regret completely the day we ever passed that piece of legislation.

I heard reference here today that we could call on the United Nations. I have heard them called on and called on. I have never heard them answer. It is a splendid idea, but it is a case of "Let's you and him fight."

I can remember our friends the Turks, the Greeks, and the Australians, maybe a few more, coming to our aid in Korea, but no one else.

Mr. President, while I am trying to get

this whole thing in proper perspective, and I do not know if I will, I do hope that during the course of the debate and the arguments on it that we will keep in mind what we are forcing. For the first time in the history of our country, in almost 200 years, we are forcing a president to come to this body for permission to do what he is charged to do under the Constitution—to protect the lives, the property, and the freedom of Americans.

Mr. President, after getting back from Taipei, I was interested in reading some of the things that have been printed in the press. We see Members of Congress, and some of them very responsible Members of Congress, suggesting several rather strange things. First, they say that the generals and the admirals made mistakes. I guess they did. I guess we all make mistakes. But I want to call attention once again, as I have tried to call to the attention of my colleagues I do not know how many times, to the point that the Pentagon, the generals, and the admirals do not declare war, nor do they call out the troops for any reason.

That has always been, up until recently, the sole responsibility and prerogative of the President, who is the Commander in Chief.

Let me repeat: No man in uniform can call out the troops. They are called out by a man in civilian clothes—the President of the United States. And then, Mr. President, they are controlled by people in civilian clothes—the National Security Council.

Oh, yes, they have a little bit to say, but I want to see us get away from this idea that the man in uniform is in any way at all responsible for what happened in Vietnam. He is not. I think we should admire them for what they had to put up with, and put up with in a way that a soldier always does.

Since the passage of the War Powers Act it now seems that some 530 civilians will have their hands in these decisions and the muddle and the mistakes will grow.

Another point that has been brought home by recent editions of the local press is that there must be other ways to wage war.

Let me say there are other ways. War is the ultimate instrument of national policy. It always has been. And before that, there are several other instruments. You can use the instrument of economic warfare which, frankly, Mr. President, we have never had the courage to use.

It would not do us any good to use it today because we are no longer the world's No. 1 economic power. But back in the days 20 years ago what we did with the economy of our country and the effect it could have on the economy of the free world, believe me, caused country after country to look and think twice before they did anything that might force us to take further steps.

And then we have the instrument of national policy we call political warfare. Frankly, I do not believe we have ever been enough of a globe-straddling Nation to try this approach.

Classic examples of this would be found with Great Britain, with her su-



premiacy of the seas, and more and more the Soviet Union as she is gaining more by political warfare than she ever gained by going to war.

But if these fail, then we have the instrument of national policy left, and we call it war. It is not to be engaged in lightly.

One of my colleagues in the Congress pointed out that a small nation living on the sandy desert of the Middle East was able to make the United States jump through the ropes.

Again let me remind my colleagues, and other who seem to have missed the point over the years, that when the United States was the world's No. 1 economic power, it could have used that power in the same way that the Arab countries are using theirs today. But, no, we could not do that. It might have offended somebody.

So we have always, or nearly always, left ourselves with the only prerogative and the only option in the pursuit of national interest and national policy wrapped up in foreign affairs, and that has been war.

Mr. President, I hope we have learned some lessons out of this experience in Southeast Asia. I think, frankly, it is one of the most dangerous things that has ever happened in the history of man. We are making it possible, with the fall of Cambodia and the almost imminent fall of South Vietnam, with Thailand having ordered us out, to see this domino theory work.

I know there are people who do not believe in the domino theory. But if there is 1 domino, 2 dominoes, 3, or 10, if you push one they all fall. If Thailand happens to fall, Mr. President, let me remind you that Red China, who has no navy but vast armies, can march all the way down the Thai Peninsula, to Malaya, to all the states down there that are amongst the richest areas in the world.

This was the target of Japan in World War II, but we were able to prevent that.

If they take power then, they are going to march the whole way. The parameter of the Pacific which has been our central focus of foreign policy for 100 years will no longer be because there will be no parameter of the Pacific that we can do anything about, except possibly the West Coast of South America, if they still believe us; Central America, Mexico, and maybe parts of Australia and New Zealand.

My purpose today is, one, to take the blame off the Congress. I do not believe my President is right in blaming the Congress for what has happened. If they have to put blame, I have named the people.

As I say, I have the documents that can further prove it, and I will stand in the Chamber and offer them so that all my colleagues can read them.

I would like to see this country forget this God awful thing we got into, agreeing with my friend from New Jersey.

It was a noble thing; it was a proper thing. But can we not just forget this and vote this up or down? I intend to vote for it, as I say not for South Vietnam but for the honor of my country. Let

us get on with strengthening our foreign policy; finding out where we are weak in it; setting up ways that we can make ourselves understood around the world, and rebuilding our crumbling military to the point that the rest of the world will have to believe us if we only act in an honest way to those people to whom we have made promises.

I often think how I would feel if any Member of this body made me a promise and reneged on it. I would never trust them again.

I can tell you from personal experiences in Taipei, and from rather constant communication with friends around the rest of the world, this country is slipping and it is slipping fast. Whether or not we can stop it from going all the way I do not know. I hope and pray we can. I think we can. But it is going to take a decision of the American people and the Congress, both. We cannot do it alone. The President cannot do it alone. The American people have to join us.

We have reached the lowest point, in my opinion, that we have ever reached in our relations with the rest of the world. It will not surprise me one bit to see major allies begin looking for other places where they might put their allegiance in the absence of the once strong promise from the United States.

Mr. President, I will vote for this measure. As I say, I am going to vote for it for the United States, not for South Vietnam. I look forward to listening to what is said about this with great interest.

Mr. CLARK. Mr. President, I voted against the legislation (S. 1484) recommended by the Senate Committee on Foreign Relations and now before the Senate. Because of the rapidly changing political and military situation in South Vietnam, I certainly am keeping an open mind on the question until we have heard all the debate and until events become more settled.

By approving this bill, I feel the committee gave up the only real opportunity it had to compel the administration to accelerate the evacuation of Americans and their dependents who remain in Vietnam. Unfortunately, the administration has not been removing the Americans and their dependents at a rate commensurate with the increasing threat to Saigon. And the continued presence of more than 4,000 U.S. citizens and their dependents in South Vietnam cannot be justified any longer. Within the next week, the number of Americans in Vietnam should be reduced to a hard core of 800 to 1,000 people. A residual complement of that size could be withdrawn quickly and without any significant commitment of U.S. Armed Forces.

While I was willing to compromise on a number of points in the proposed legislation, I could not do so on the one which directly affects American citizens—namely, the evacuation. By approving this measure, the committee—and now perhaps the Congress—in effect leaves the rate of American evacuation to the discretion of the President and the U.S. Ambassador in Saigon, both of whom seem unduly optimistic about the current military situation in Vietnam.

We should not vote any additional aid or authority to use force for evacuation until the administration has demonstrated that it is, in fact, moving expeditiously to bring these people home. My objections to the legislation in committee did not end there, however.

The \$100 million authorized by the bill for aid conceivably could be used for military purposes and "justified" on the ground that it was necessary to evacuate Americans. Such a rationale can be stretched too easily; and in this connection, it should be noted that even the Armed Services Committee apparently has decided that additional military aid would not be wise.

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

Mr. CLARK. I yield.

Mr. TOWER. I point out that a majority of the members of the Armed Services Committee supported aid of some kind, but they were unable to come to an agreement on the amount.

Mr. CLARK. I understand that.

Mr. TOWER. And the form. So it would not be proper, I think, to say that any additional aid was rejected offhand by the committee.

Mr. CLARK. The Armed Services Committee defeated each aid proposal put forward.

Mr. TOWER. That is correct. But it was not tantamount to a total rejection of the idea, because the majority voted at one time for some form of aid.

Mr. CLARK. I understand that, but the result in each case was negative, and there was no final agreement among the Armed Services Committee that any additional authorization would be made.

The bill contains restrictions on the President's authority to use American troops to bring out South Vietnamese nationals. Those restrictions are wise, but they would not effectively limit the number of troops that could be employed or the dangers to which they might be exposed. Should any force be so employed, a danger of uncontrolled escalation would be created. And this concerns me as well.

I am not yet certain whether the contingency fund and such authorization should be approved—but it is my feeling that we should not act hastily, that we should demand that certain conditions be met before we act.

Let us take a look at the military situation as it stands today because the prospects for evacuation and its urgency depend on that.

First, we know now that Xuan Loc has fallen and that troops are moving along toward Bien Hoa and Saigon, not far away. We know that Bien Hoa is under heavy artillery attack, and it seems doubtful that it will survive this week. That means the loss of the South Vietnamese aircraft maintenance operation and much of its ammunition stores.

We know that Vung Tau is threatened and it seems doubtful that this one remaining route to the sea is going to be in existence for more than a matter of hours, perhaps a day or 2 or 3 at most. That would make it impossible to remove any Americans or others through the Saigon River and out to sea.

We know that Tay Nanh, just northwest of the capital, is no longer being defended. To the south of Saigon, not far away, North Vietnamese troops threaten to cut off Highway 4 and the rice road to the Mekong Delta.

We know, in short, that Saigon is surrounded. In some areas, the perimeter is 30 or 40 miles; in others, it is only 15 to 20. Few people any longer believe that the armies of the south will be able to hold out much longer—perhaps 5 or 6 days, perhaps 10 or 15.

All of this leads to one conclusion: the highest priority of U.S. foreign policy should be to evacuate the more than 4,000 Americans and their dependents who remain in Saigon right now. It may already be too late to get them out without the use of troops because the administration has failed to evacuate Americans at an expeditious rate. The difficult situation in South Vietnam has been clear now for more than a month; yet, until today, we have brought out only about 100 Americans each day. Meanwhile, many planes with empty seats continually leave Saigon, while nonessential personnel—both governmental and nongovernmental—remain behind.

It is impossible for us to determine who is responsible for this delay; for our purposes here today perhaps it does not matter. In any case, we find ourselves in a most difficult situation. Where does the evacuation timetable stand today?

Earlier today, on the floor of the Senate, someone mentioned that the administration does have an evacuation plan. I think that, in fact, we have had several plans. Each day, we have seen a different plan. None of those plans so far have been enacted. They may be under study, but none of them so far has been carried out.

As of Monday night, Saigon time, there still are more than 2,800 American citizens and 1,200 of their dependents in South Vietnam.

Today, we evacuated less than 500 Americans and their dependents, according to the Department of State; yesterday, only 170. That leaves more than 4,000.

There is supposed to be a plan to reduce that number to 2,000 by tomorrow night—just 30 hours from now. It seems most doubtful that plan now can be fulfilled. But whether it is or not, it is not nearly good enough, because even if that plan is successful, we will still have too many Americans and their dependents in South Vietnam.

Given this, the only influence this body has remaining is this bill. There are no other opportunities to insist upon a more rapid evacuation. It may well be that we should pass this measure, but we should not pass it today or tomorrow. I believe that we should delay the vote on this matter until we have evacuated all but 800 or 1,000—a number which is possible to take out with one sweep of the helicopters, as we did in Phnom Penh. No vote should be taken until we reach that stage.

Let us look very briefly at the proposed legislation. There are two particularly difficult sections. The first involves giving the President a contingency fund of \$100 million to use as he sees fit.

It is quite true that on page 1 of the bill, lines 8 and 9, the committee adopted language stating that the money is:

To be used only for humanitarian and withdrawal purposes in South Vietnam in accordance with the provisions of the Foreign Assistance Act of 1961, as amended, as the President determines is in the national interest with respect to dealing with the present emergency in South Vietnam.

All of us are aware that the committee felt strongly that this money should be used for humanitarian and withdrawal purposes. But we also are very much aware that it need not be used for that purpose if, in the President's opinion, it can be used effectively in other ways in the national interest. It may well be necessary for us, to insure the evacuation of American citizens, to give the President this kind of authority and this kind of money. But I only caution that everyone understand that as we vote on this legislation. Everyone should understand that the money can be used for military purposes—for military aid.

The second section that warrants caution and care is the section that authorizes the use of American troops to bring out South Vietnamese nationals. Again, it may well be necessary to do this to get our own citizens out, but let us be aware of what we are doing.

There is no limit on how many troops the President can commit in this bill. There is a virtually limitless opportunity to commit an unspecified number of troops if, in the President's judgment, this seems necessary.

Now, there are many excellent restrictions—five, to be exact—on how those troops can be used. But we should be very much aware of the possibilities within that section despite the restrictions. I think we should not hurry to vote such a measure. The Gulf of Tonkin resolution was hurried through the Senate 11 years ago, with only 2 days' debate—only a few hours of debate on August 6 and 7 of 1964. I hope that we can spend more time, and look more carefully at a measure which has the import carried in this section of the bill.

Mr. CRANSTON. Will the Senator yield on that section before going on to the next one?

Mr. CLARK. Yes, I yield.

Mr. CRANSTON. I think he has raised some very valid concerns about section 4, quite apart from the general concerns that he has expressed about action on the bill at this time.

Is not subsection (d) of section 4 particularly wide open? It says, "The duration of the exposure of the U.S. Armed Forces to hostilities will not thereby be extended," relating to the efforts to get Americans out. That could well mean that Americans might be left in order to provide an everlasting period of time when American military personnel might be used, or kept there for the purpose of evacuating South Vietnam. Is not that a potential misuse of the intent of that particular subsection?

Mr. CLARK. The potential is clearly there. In our meetings with the President and other officials of the administration, however, it was my belief that there is no such intent. But certainly, the au-

thority would be there, in my judgment, to do that.

Mr. CRANSTON. Of course, there is some reason to believe that some American personnel have been left there for a longer period than necessary because of the relationship of their presence to a possible evacuation of South Vietnamese citizens, is not that correct?

Mr. CLARK. A large number of non-essential American citizens have been in Saigon throughout this month and they have not yet been evacuated.

Mr. CRANSTON. I thank the Senator for his very helpful presentation, and I wish to say that I am delighted that he is now a member of the Committee on Foreign Relations, and he is doing very useful work there, not only for the committee but for the Senate.

Mr. CLARK. I thank the Senator.

Mr. SPARKMAN. Will the Senator yield?

Mr. CLARK. I yield.

Mr. SPARKMAN. I cannot follow the reasoning of the Senator from Iowa and the Senator from California with reference to the point they have just been talking about, if I understand it correctly. Section 4(d), I believe, is the one they referred to: "The duration of the exposure of U.S. Armed Forces to hostilities will not thereby be extended."

In other words, we have tried to make certain that insofar as it is possible to bring these others out, it must be under these limitations of (a), (b), (c), and (d), every one of which, I think, works tying the evacuation of Vietnamese to rapid withdrawal of Americans.

Let me read a pertinent portion from the report:

This requirement for rapid completion of the withdrawal operation is an essential element for rapid completion of the withdrawal operation is an essential element in the limited authority allowed for use of the Armed Forces to assist in bringing out for foreign nationals along with American citizens. The withdrawal of Americans, under this authority, cannot be delayed or otherwise stretched out in order to bring out additional South Vietnamese. This bill does not allow the tail to wag the dog.

We are making it as clear as we can that it is Americans we are trying to get out, that we will help Vietnamese who have been connected with us, to get out, under the strict limitations outlined, but not at the expense of delaying the evacuation of the Americans and Americans must be evacuated as rapidly as possible.

Mr. CLARK. Mr. President, as I said earlier, there is no question that the restrictions in the bill are wise. But there is no restriction on the number of troops, and there is no restriction on the amount of time that they may stay there as long as they fulfill these five restrictions. An unlimited number may stay there an unlimited length of time as long as they are taking American citizens out, and within these restrictions.

Mr. SPARKMAN. We do require that: "Such citizens," meaning Americans, "and their dependents are being evacuated as rapidly as possible." That is one of the conditions for the authority to use troops in the evacuation operation.

Mr. CLARK. That is true.

Mr. SPARKMAN. I think the Senator will agree with me that we worked very hard in the committee trying to make this thing airtight.

Mr. CLARK. That is true.

Mr. SPARKMAN. I think we did a very good job.

The Senator knows that it was a wearing, tearing job over the days we worked there, trying at the same time to keep the pressure—and this is something that the Senator particularly urged—keep the pressure on our people in Saigon to make certain that they evacuated Americans just as fast as they possibly could. We did insist that we get progress reports, and the reports have been coming in.

Mr. CLARK. Mr. President, I certainly agree that the committee worked very hard and that, under the chairman's leadership, we did so with the greatest kind of urgency and seriousness and in the most democratic of procedures. I agree that if we are going to give the President the authority to use Armed Forces to take out South Vietnamese, it is difficult to imagine much stronger restrictions. I think each of them is wise and essential. However, before we take a vote, we should realize that even with these five restrictions—and they are very meaningful restrictions—if we give that authority we still are going to allow the President to use an unlimited number of troops to carry out that section of the bill and that there will be no specific time limit on how long they could be used. That was my only point.

Mr. SPARKMAN. The Senator realizes, of course, that the State Department issued legal memorandum to the effect that the President has inherent authority to employ the Armed Forces in combat to withdraw Americans and "a limited number of foreigners" if they "can be evacuated in connection with an evacuation of Americans without materially changing the nature of such an effort."

Mr. CLARK. Yes.

Mr. SPARKMAN. We thought that with that interpretation of the President's power we should write in limitations. That is what we proceeded to do, write in strict limitations trying to insure that the withdrawal operation did not lead to our military reinvolverment.

Mr. CLARK. Mr. President, I understand that. In fact, I just reviewed that State Department memorandum. But, frankly, I do not agree that the President has that inherent authority.

Mr. SPARKMAN. No, I do not, either. But I think the Senator agreed with us that since the question had been brought up, we had better seal it off; and that is what we did.

Mr. CLARK. Given the choice between the committee position and the position of the State Department in the memorandum, I would certainly agree with the committee position.

The bill as it came out of the committee, the bill before us, does a good job in restricting the use of troops. My only point is that we must remember that we are authorizing, under those restrictive conditions, the use of unlimited American troops for an unlimited period of time.

Mr. SPARKMAN. I thank the Senator.

Mr. CLARK. Mr. President, it seems to me unwise for us to go ahead with this matter too quickly. The situation in South Vietnam has changed very greatly just today—we now have a transitional government—and it is still unclear what the goals of the new government will be. Given that, I believe we ought to consider whether these two factors in the bill—granting additional aid that could be used for military purposes and granting additional authority to use American troops—are really in the interest of bringing about a negotiated settlement.

All of us hope that there will be a negotiated settlement but none of us knows how this bill will affect that negotiation.

Will it exacerbate the situation to give new authority to commit American troops, when we are in fact anxious to have a negotiated settlement? I do not know.

Does it in fact make conditions worse to say we are going to give additional aid, perhaps additional military aid, at a time when a new government may be searching for a negotiated settlement? Again I do not know.

But I do know that it would be a mistake to hurry through and vote on this measure the first thing tomorrow—when we have not had an opportunity even to see what the new government looks like, or what kind of assistance they may want or need, or whether it is necessary to give additional authority to the President of the United States to commit American troops.

Those factors ought to be considered, and considered carefully here, tomorrow and perhaps the day after. I am not trying to pick a specific time, but we ought to be sure, first, of the rate of evacuation, and second, we ought to be certain we are not doing something here that is going to be harmful to a negotiated settlement. For those reasons, I think we certainly should delay.

Lastly, I wish to say that everyone on the committee is committed to additional humanitarian aid. I am not sure \$100 million is enough; perhaps it should be increased. We are all in agreement that we want humanitarian aid through multilateral organizations. That is not at issue. The other matters, I think, clearly are.

Mr. President, I yield the floor.

Mr. EAGLETON. Mr. President, the legislation we consider today seeks to deal with a vast human tragedy in South Vietnam. It seeks to provide the correct formula for America's withdrawal from that war-torn country. I believe it provides the legal framework within which solutions can be found to problems which do not yield easily to logic.

The United States does have a moral obligation to the people of Vietnam. It is not an obligation to provide more military arms for war, it is instead an obligation to provide humanitarian assistance to the victims of a war for which we hold some considerable responsibility. In the language of the legislation before us, "It is traditional for the American people to be generous and compassionate in helping the victims of foreign conflicts and disasters." In providing \$100 million

for humanitarian assistance to be administered by international organizations and voluntary relief agencies, this bill responds to those traditional humanitarian concerns.

Mr. President, last Monday I presented a resolution to the Democratic conference which was intended to address the most vexing aspect of the President's Vietnam request—the need to authorize the use of the Armed Forces should they be needed for protection purposes during an evacuation. The bill before us adopts the same approach I recommended to the caucus. Needless to say, I strongly support the authority provisions of the committee bill.

The President's request to "clarify"—that is the word in his speech—his authority to use American forces to evacuate Americans and foreign nationals was complicated by a number of legal and substantive considerations. Why, for example, could not Americans be evacuated from Vietnam without using the Armed Forces? Should the President risk engaging our forces in hostilities to rescue foreign nationals? Does not the President have an inherent right under the Constitution to rescue American nationals in an emergency when their lives are endangered?

One week before the President requested authority to use the Armed Forces to rescue foreign nationals, he reported to Congress, under the war powers resolution, that an American naval vessel had entered the territorial waters of South Vietnam on April 3 to participate "in the refugee evacuation effort." The President made the following statement in describing the legal authority under which he acted:

This effort is being undertaken pursuant to the President's constitutional authority as Commander in Chief and Chief Executive in the conduct of foreign relations and pursuant to the Foreign Assistance Act of 1961, as amended, which authorizes humanitarian assistance to refugees, civilian war casualties and other persons disadvantaged by hostilities or conditions relating to hostilities in South Vietnam.

This statement indicated to me that clarification of the President's legal authority to use the Armed Forces in Indochina was urgently needed.

In my opinion, Congress could not let stand a claim of inherent executive power to rescue foreign nationals.

In addition, the question of using U.S. forces to rescue American nationals in danger was also unclear. Most constitutional scholars consider the emergency rescue of Americans from hostile situations to be a legitimate power of the Commander in Chief. Nonetheless, the statutory prohibitions on combat activity in Indochina—the so-called Case-Church amendment—and the failure of the war powers resolution to cite the President's traditionally exercised rescue power further confused the legal situation. It was my view, therefore, that Congress had a responsibility to act to clarify these issues.

In considering the need for a statute authorizing the use of the Armed Forces in Indochina, even for the limited purpose of evacuating Americans, one can-

not forget the lessons of the Gulf of Tonkin resolution. It is perhaps this unhappy experience which causes many in Congress to back away from any authorizing statute of this sort. But if the Constitution is to work, Congress cannot duck its responsibilities. And if we are to make sure that a use of force in Vietnam does not go beyond a rescue operation, we cannot forge the opportunity to carefully circumscribe the Commander in Chief's actions.

Mr. President, the bill before us requires the President to exhaust all other possibilities in seeking the safe withdrawal of Americans from South Vietnam before using the Armed Forces. I believe that the intent of Congress is clear in this regard. Parenthetically, had the administration acted more promptly to move Americans out of Saigon, this bill might have been considered earlier. The committee correctly held it up to encourage a rapid withdrawal. While this strategy has been somewhat successful as of late, earlier footdragging by the administration may have already made the use of the Armed Forces inevitable.

If it does become necessary to introduce American forces into South Vietnam for rescue purposes, the committee bill contains all possible safeguards to avoid their becoming engaged in hostile action. The bill contemplates the same rapid evacuation which took place in Cambodia. It should be emphasized, however, that tactical decisions are the sole prerogative of the Commander in Chief. Within the limits Congress prescribes, he must determine the most efficient—and in this case, the safest—means to carry out the objective.

The President's request for authority to use U.S. forces to evacuate foreign nationals was undoubtedly the most difficult aspect of this legislation. The humanitarian implications had to be weighed against the danger of involving U.S. forces in hostilities.

I believe that the committee bill addresses both considerations in a balanced way. The President may use the Armed Forces "to assist in bringing out endangered foreign nationals," but—and these are very important buts, Mr. President—but he cannot increase the number of forces beyond those required for the evacuation of Americans, he cannot keep them in Vietnam any longer than necessary for that purpose, and he cannot move them into areas where they would not be required to protect Americans.

Put another way, Mr. President, the evacuation of foreign nationals is very carefully circumscribed and limited to, in all instances, situations where we would be, in any event, rescuing American nationals. Some refer to this as the spare seat doctrine.

The military operation, therefore, cannot be expanded beyond the minimum necessary to rescue Americans.

Mr. President, the late and great Professor Alexander Bickel, who during his life placed his own imprint on the rejuvenation of Congress, understood well the constitutional role Congress must play. "There is no assurance of wisdom in Congress," he said, "and no such as-

surance in the presidency—the only assurance there is lies in process, in the duty to explain, justify and persuade, to define the national interest by evoking it, and thus to act by consent."

Mr. President, in these past days Congress has had to struggle with a crisis. We have had to seek answers to one apparent dilemma after another. And we have had to make choices between equally distasteful alternatives. History alone will judge the correctness of our actions, but whether or not we find the best possible responses, I believe that Congress has demonstrated the institutional capacity to deal with a crisis.

Mr. BARTLETT. Mr. President, in discussing S. 1484 it is important to make the distinction that the \$200 million authorization responds only to President Ford's request for humanitarian and evacuation aid but does not address itself to his request for military assistance for Vietnam, first made to Congress, on Jan. 28, 1975.

We must not pass this bill with the thought that it takes care of all obligations to our beleaguered allies, the South Vietnamese.

From an assessment of the military imbalance and the resignation of President Thieu, it is apparent that the situation in South Vietnam is grim; their future is questionable and may be hopeless.

I can understand President Thieu's frustration with the United States. While the Russians and the Chinese have been unswerving in their commitment to assist the aggression of the North Vietnamese, we have apparently not had the same dedication to the South Vietnamese in their fight to defend their freedom.

It will be interesting to see the Communists' reaction to President Thieu's resignation. For years, and up until the present, they have said that his resignation would lead to a political settlement. However, their record of keeping commitments has been a farce, and with a military victory in sight, there is no reason to believe they will settle for a peaceful solution.

In spite of the deteriorating situation in Vietnam, it is still important that Congress vote out at least a part of President Ford's request for military assistance. In the first place, I believe the American people want to help the dying, as well as the sick. In their hour of greatest need we should not turn our backs on our allies, the South Vietnamese.

While military aid at this late hour will probably not turn the course of events, it can buy time for the purpose of saving both American and South Vietnamese lives.

Additionally, it is particularly important that our allies around the world be sent a message that the United States intends to honor its commitments. That we are as committed today as we were in 1961 when President Kennedy stirred the hearts of freedom-loving people around the world with these words:

Let every Nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty.

I intend to vote for S. 1484 because, No. 1, we obviously must safely evacuate our Americans living in South Vietnam. Second, we have a moral obligation to evaluate as many south Vietnamese as feasible and give humanitarian assistance to hungry, sick and dying people in South Vietnam.

But in addition to a moral obligation for the physical well being of the Vietnamese, I believe we continue to have a commitment to provide them with military aid. However hopeless, in their efforts to defend their freedom against Communist aggression.

The Soviet Union and China have supplied North Vietnam with an 18-month supply of ammunition and expendables in South Vietnam for a sustained level of fighting.

Our insufficient aid for the past 2 years has resulted in the necessity for the South Vietnamese to ration ammunition, jet fuel, and gasoline for a year and one-half. Their current supplies of ammunition and expendables approximate a 1-month supply for heavy fighting.

Additional ammunition and expendables are essential to a safe evacuation of Americans and South Vietnamese as well as the creditability of the United States.

If we are to maintain our role as leader of the free world and, more important, of the freedom-loving people of the world, it is essential that our allies know that the word of the United States is still worthy of its great history.

#### PENDING BUSINESS LAID ASIDE TEMPORARILY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily.

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

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 o'clock tomorrow morning.

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

(Subsequently an order was entered providing that the Senate recess until 10 a.m. tomorrow.)

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that when the Senate adjourns at the close of business today, it adjourn in legislative session.

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

#### ORDER FOR PERIOD FOR ROUTINE MORNING BUSINESS TOMORROW AND CONSIDERATION OF S. 1484

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order tomorrow, there be a period for the transaction of routine morning business of not to exceed 15 minutes with Sena-





United States  
of America

# Congressional Record

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## Senate

The Senate met at 12 noon and was called to order by Hon. J. BENNETT JOHNSTON, JR., a Senator from the State of Louisiana.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who rulest in majesty and holiness above all the nations of the Earth, have regard for this Nation as we stand at the crossroads of history. Forgive our sins, override our faulty judgment, redeem our misspent energies, heal our divisions, and set our feet upon new pathways of progress and peace. Unite our hearts and minds to bear the burdens and make the decisions laid upon us in this place. Keep the fire of freedom's cause burning brightly on the altars of our souls that we falter not in dark days. As we look upon the stricken, bleeding, hungry peoples of the world, guide our hands and minds to heal and bind and build and bless. Light up every moment of this day with the awareness of Thy presence and bring us to its close with peace in our hearts.

In Thy holy name we pray. Amen.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., April 21, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. J. BENNETT JOHNSTON, JR., a Senator from the State of Louisiana, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,  
President pro tempore.

Mr. JOHNSTON thereupon took the chair as Acting President pro tempore.

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of

the Journal of the proceedings of Friday, April 18, 1975, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar for unobjected-to measures, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar under "New Report."

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination will be stated.

### NATIONAL CREDIT UNION BOARD

The second assistant legislative clerk read the nomination of Joseph F. Hinchey, of Pennsylvania, to be a member of the National Credit Union Board.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate re-

sume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

### MILITARY ASSISTANCE FOR CAMBODIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 52, S. 663, be removed from "General Orders" and placed under "Subjects on the Table."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### CESSATION OF HOSTILITIES IN VIETNAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 84, Senate Resolution 133.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 133) expressing the sense of the Senate that the President should undertake immediate efforts to obtain a cessation of hostilities in Vietnam through negotiations.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HUGH SCOTT. Mr. President, this is a resolution from the full Committee on Foreign Relations. Its purpose is to call upon the President to undertake immediate efforts to obtain a cessation of hostilities in Vietnam through negotiation, to promote a political settlement between the contending Vietnamese parties.

The committee was in executive session on the 14th, 15th, 16th, and 17th of April and finally adopted—unanimously. I believe—a resolution offered by the Senator from Minnesota (Mr. HUMPHREY), together with the Senator from New York (Mr. JAVITS) and the Senator from Illinois (Mr. PERCY), the resolution now pending, which was reported by voice vote, without dissent.

This resolution indicates the desire of

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the Senate to secure through negotiation a political settlement. There is a hope lying behind this resolution that it may lead to the saving of the lives of a number of South Vietnamese whose future otherwise would be seriously imperiled. I, of course, support the resolution.

Mr. MANSFIELD. Mr. President, I join the distinguished Republican leader.

I am of the opinion that the administration has been endeavoring to carry on negotiations of one kind or another during the past week or 10 days, perhaps longer.

I point to a statement I made before the Democratic Conference on Monday last, when the matter of aid was being discussed in that portion of the speech, and the suggestion was made that aid should be administered through international agencies rather than through governments. I mentioned, as specific examples, the International Red Cross and the Salvation Army. Lest anyone laugh at the idea of the Salvation Army, I point out that this is one organization which, to the best of my knowledge, is without blemish and which has operated in foreign areas, especially during periods of wartime. I think it would be well, should humanitarian assistance be extended, to give due consideration to an organization of this kind, small though it may be.

In the course of that statement, following up the discussion on aid, I said:

It would seem to me, furthermore, that a prerequisite of any kind of aid-program, if it is to have a constructive impact in this critical situation, should be a good faith effort by the Saigon government to open urgent negotiations seeking to establish a tripartite Council of National Reconciliation under Article 12 of the Paris Peace Accords of 1973. On that basis, perhaps, the achievement of the cease-fire for which the President is seeking to enlist the cooperation of other nations may be attainable. At this point, there is no room for adamancy on the part of any individual in the Saigon government. It would be well to remember that what is at stake is not the reassertion of Saigon's control over the thousands of square miles of territory which its forces have abandoned.

Skipping a few lines, I say in the last sentence:

What is at stake is the prevention of a final Gotterdammerung at Saigon.

I hope that the statements issued by the provisional revolutionary government in Paris, to the effect that it would be prepared to enter into negotiations with a government in Saigon, provided that President Thieu did not head it and that the Americans would withdraw, will be taken into consideration. President Thieu has stepped down voluntarily; and so far as the American evacuation is concerned, it has been stepped up, and it is proceeding at a far faster rate this week than it was last.

So it is my hope that the provisional revolutionary government and the government of Saigon will be able to get together for the purpose of maintaining a free, independent, and, hopefully, neutral South Vietnam.

Mr. HUGH SCOTT. Mr. President, I suggest, also, that since many of the refugees who originally came down from the north in that country some years

ago were Catholics who were fleeing from aggression, the role of the Catholic Church should not be forgotten here, among the international agencies, as many of those who now will seek to escape from Vietnam undoubtedly will be members of the Catholic faith.

We should not lose track of the work that their organization has done, together with those few Protestant organizations that are available for the service. But a major number of the refugees who try to escape, I suspect, will be those who have been affiliated with the Catholic Church, which is not an organization which ranks very high in the eyes of the aggressors. I hope that they will work with them for the purpose of saving lives and, hopefully, for the purpose of establishing that they are willing to follow the Paris Accords in a spirit of conciliation.

Mr. MANSFIELD. Mr. President, may I say that in addition to the Catholic group, which I thoroughly approve of, there also should be included the Cao Dai and the Buddhist groups, because they are the three largest groups in South Vietnam and they, working together, could, I think, perform a service to their nation.

The ACTING PRESIDENT pro tempore. Is there objection to the resolution?

Mr. MORGAN. Mr. President, I have no objection as such to the resolution. It appears, on its face, to be innocuous and I assume that the administration is already doing all that the resolution requires that it do. I am somewhat reluctant to accept and vote for the resolution on the spur of the moment.

All that I know about what the Committee on Foreign Relations considered was what I heard in the news media or read in the newspapers. I received the report just a few minutes ago. I will vote for the resolution but I do so reluctantly, because I do think that those of us who were duly elected to serve in the Senate are entitled to be kept informed about the considerations of such vital matters before we are called upon to vote on them.

I heard the President's address on Thursday night a week ago, I believe, asking for specific action by last Saturday. Here again, I can only vote based upon a report of the committee, a one-and-a-half page report which was placed on my desk this morning. I will vote for it, but I wish the record to reflect that I do so without implying that the administration has not done or is not doing the things that are in this resolution.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I think both the Republican leader and I have indicated in pretty strong terms that it is our belief that the administration has been attempting to bring about negotiations for the past week or 10 days, if not longer.

Mr. HUGH SCOTT. Mr. President, I do wish to stress the fact that actually, for a considerably longer period than 10 days, the administration has been, I am informed, engaged in negotiations to obtain a cessation of hostilities through negotiation. These take various

forms and, of course, they are not always made immediately public.

There has been a very clear recognition that the one hope of a peaceful solution without a continuance of the war for Saigon and the surrounding area lies in the possibility of some attempt, at the very least, at negotiation. This administration seeks peace and accord. I am not authorized to go beyond that. I will say personally, however, that I am relieved that President Thieu has resigned. I have thought for some time that he should.

I said with regard to Cambodia, long before Lon Nol resigned, that he should.

I believe the possibility for a credible activity on the part of the South Vietnamese Government lies in a change of the regime at the top. Tran Van Lam is the President of the Senate and it is that body which unanimously called on President Thieu to resign sometime ago.

This Government could not force the resignation of President Thieu. It would have been entirely contrary to our standard foreign policy. No one should interfere with the internal organization of the government of another country, but I am very glad that he has resigned. I think it is a step in the direction by which we can hope to have peace.

I think it should be made very clear indeed that the Senate is simply approving of what the President has been doing all along and the Senate wants it known that it favors that and that it believes that these efforts should be made in good faith to obtain a cease-fire and a political solution of the conflict. I do not think we can end the trauma of the American people regarding this matter unless we find a way out of it.

Particularly, I think it needs to be noted that the withdrawal of Americans has been proceeding quite rapidly; that by this Saturday, we should be down to a manageable situation, simply involving essential personnel; that these personnel can be gotten out under conditions and in a manner which will protect their safety and their dependents' safety.

The Committee on Foreign Relations has been working with the President in this regard. It does not deny that the President has been working on this before the Senate committee took up its resolution.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. STENNIS. Mr. President, will the Senator yield for a parliamentary inquiry?

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. STENNIS. Who has the floor, please?

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. STENNIS. I thank the President.

If I may inquire of the majority leader, I have just gotten to the Chamber and seen this resolution for the first time. It seems to have been filed by consent.

Is the proposal now that the Senate pass the resolution at this point?

Mr. MANSFIELD. That is correct. This is essentially a Senate resolution which

seeks to reinforce what we understand the administration has been attempting to do for the past week or 10 days, if not longer.

Mr. STENNIS. I was just thinking about the new development of Mr. Thieu's resignation. Certainly, that is a step in some direction; it is hard to say just what direction.

Has there been any notice given that this matter would be called up to be passed this morning?

Mr. MANSFIELD. Yes, the notice was given last Friday, after the Committee on Foreign Relations worked for 4 days on this and the humanitarian evacuation bill, which will be the pending business at the conclusion of the morning hour.

Mr. STENNIS. As I understand it, the administration has the duty of proceeding to evaluate these new facts as to Mr. Thieu's resignation. Is that the position of the administration now, that they approve the passage of this resolution before there is any chance to evaluate the consequences of Mr. Thieu's resignation.

Mr. MANSFIELD. I do not know whether they approve of it. After all, the committees of the Senate have an independent status. We do not have to ask the administration, any administration, as to what we wish to do down here. If the unanimous vote of the committee is in support of the administration, I think we are carrying out our responsibility and we do not have to ask any administration.

Mr. STENNIS. Clearly, I was not suggesting any such condition as the leader expresses. I am merely asking for facts about the matter, especially in view of Mr. Thieu's resignation, the news of which reached us only 4 or 5 hours ago.

Mr. HUGH SCOTT. If the Senator will yield, the administration is aware of the action of the Committee on Foreign Relations last week in reporting out unanimously this resolution. They have not asked me to ask for its delay or for it to be debated at length. I am the minority leader and I would feel that if they wanted a delay, I would be the one they would come to.

Mr. STENNIS. Yes.

Mr. HUGH SCOTT. They have not and if they were later to object, I think that is just too bad, because they have been on notice and they have received a copy of the resolution.

Mr. STENNIS. The Senator from Mississippi is just trying to get to the facts and to understand just what the picture is. I came to the Senate floor for that purpose, not knowing this resolution was coming up.

Mr. HUGH SCOTT. The point has been made that the President was doing these very things before the Senate committee acted, but the Senate is now urging him to do it. The facts are and the legislative history is that this is a continuing effort.

Mr. MANSFIELD. And this is evidence, an indication of support of what the President is seeking to undertake.

Mr. STENNIS. Mr. President, I thank the Senators and I yield the floor.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Minnesota (Mr. HUMPHREY) is a principal sponsor

of Senate Resolution 133. He has prepared a carefully reasoned statement in support of the resolution. I ask unanimous consent that Senator HUMPHREY's statement be printed in the RECORD.

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

#### STATEMENT BY MR. HUMPHREY

The resolution before us represents an effort on behalf of my self, and Senators Javits, Percy and McGee to place the issue of negotiations squarely before the Congress and Executive branch.

Last week, during the many hours of deliberations by the Foreign Relations Committee, the members expressed their belief that insufficient attention was being paid to the issue of negotiations by the Administration. The resolution which was reported out of the Committee on Friday represents the unanimous sentiment that the President and the Secretary of State take efforts to begin negotiations towards a cease fire.

Mr. President, the resignation of President Thieu provides all Vietnamese parties to the conflict with an opportunity to begin negotiations before Saigon is overwhelmed at a tremendous cost of lives. We must not miss this opportunity to begin discussions which could prevent needless bloodshed.

In the past days there has been much discussion of "moral obligation" in Vietnam to those Vietnamese who need to leave the country in order to survive. While I certainly agree that such an obligation exists and while I want to support efforts to enable Vietnamese to reach safe haven, I believe we also have a moral obligation to use our good offices to encourage those elements in South Vietnam who want to negotiate instead of facing the inevitable military solution to the problem.

The Foreign Relations Committee clearly wants the President and Secretary of State to act to achieve the goals of S. Res. 133. I would hope that the Executive branch would take this issue seriously in the coming days. A military solution to this conflict will only mean more death and destruction. The path of negotiations may offer the hope of a cease fire, the saving of lives and a political settlement which will mean that the United States may begin to have a constructive role in the reconstruction of a war-torn country.

#### INVOLVEMENT FOR PEACE

Mr. MCGOVERN. Mr. President, the resignation of General Thieu finally offers at least a possibility that the war can be ended without a final, bloody battle for Saigon.

It is no secret that I have long regarded President Thieu as a major obstacle to peace. In defiance of our policy, as solidified in the Paris agreement, he has seen continued war as his only hope for continued power. Hence he has demanded an endless flow of aid from us to underwrite his effort to bypass the Paris agreement. He has received far too much from American generosity, yet his response—even as he leaves office—has been to curse America for giving too little. Both we and the Vietnamese are well free of him.

But the conditions Mr. Thieu created still remain. Unless diplomatic opportunities are grasped quickly, we must face the prospect of a devastating military struggle for the remaining territory held by Saigon's forces.

Last week I urged Secretary Kissinger to make immediate contact with the Provisional Revolutionary Government and the North Vietnamese to explore the precise circumstances under which a final

bloody battle could be avoided. I repeat that plea today.

As I suggested to the Secretary of State the administration may have once had its reasons for obscuring President Thieu's disruption of the Paris agreement, while highlighting violations by the other side, in order to secure more aid from a hostile Congress. But those reasons have disappeared. That political battle has been lost. There will be no more military shipments. It is clear that we could postpone the inevitable in Vietnam only by a renewed intervention of American forces, which neither the Congress nor the administration would support.

The prudent and humane course, therefore, is to test the PRG's expressions of support for the Paris agreement.

Last week, I requested and received an affirmation of that position from Madame Nguyen Thi Binh, the PRG Foreign Minister. She said in part:

An administration really advocating peace, independence, democracy and national concord, and willing to scrupulously implement the Paris agreement on Vietnam (must) be set up in Saigon. The PRG is ready to enter into talks with such an Administration in order to rapidly settle SVN problems.

It is not necessary to take that statement on faith. It is plainly in the interests of the PRG to avoid the terrible costs of the battle which could lie ahead.

So if these steps have not already been taken, I once again urge the administration to contact the Provisional Revolutionary Government, to declare our full support for the Paris agreement, including specifically the political provisions of article 12 calling for an interim condition of reconciliation in Saigon and to explore all opportunities for the United States to mediate and advise the contesting parties on behalf of a peaceful solution.

Mr. President, I ask unanimous consent that there appear in the RECORD at this point a copy of my letter to Secretary Kissinger last week, together with my cable to Ambassador Dinh Ba Thi and the response from Minister Nguyen Thi Binh. Because Madame Binh's cable refers to 7- and 10-point PRG policy statements on Vietnamese who have been allied with the Thieu government, I also ask unanimous consent that those documents be printed in the RECORD.

There being no objection, the letter and cables were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,

April 16, 1975.

HON. HENRY KISSINGER,  
Secretary of State,  
Department of State,  
Washington, D.C.

DEAR MR. SECRETARY: Last Friday by cable I asked the Provisional Revolutionary Government for an explicit statement of their position on the safety of American personnel remaining in Vietnam and on Vietnamese who have been allied with the Saigon government and the United States. I have received a response from Madame Nguyen Thi Binh, Minister of Foreign Affairs of the PRG. Copies of both cables are attached.

To address our concerns on these questions, as well as to do what we can to minimize bloodshed in Vietnam, I think it is time to recognize that there is an alternative to a final paroxysm of battle for Saigon and the remaining territory held by the

Thieu government. The alternative is to provide some assurance that the political provisions of the Paris agreement will be carried out.

Our policy and plans for evacuation seem to move from the assumption that the other side, through its military activity, has totally repudiated the Paris agreement. I think it is closer to the truth to say that they have violated the cease-fire terms of the agreement because application of the political terms has been thwarted by the Saigon government.

I am sure you realize that Mr. Thieu's hands are not clean on this score; that from the time the agreement was signed, his government has tried in every way to rewrite the crucial points dealing with the establishment of a National Council of Reconciliation and Concord, guarantees of political freedoms, and elections to determine the political future of South Vietnam. Aside from their own military violations, Saigon has clearly obstructed the terms of the Paris agreement which were most instrumental in inducing the Democratic Republic of Vietnam and the Provisional Revolutionary Government of South Vietnam to sign it.

At one point the Administration may have had its reasons for obscuring these circumstances, in order to secure more aid for Saigon from a hostile Congress. But those reasons have now disappeared. That political battle has been lost. Congress will not supply any significant amount of military aid to Mr. Thieu's government. The reports we have received in the Foreign Relations Committee indicate that the military situation is so bad that even vast quantities of aid would make no real difference. And certainly neither the Congress nor the Administration will consider any renewal of a direct military involvement of any kind by the United States.

Therefore, regardless of how we might view the intentions of the PRG, I think the prudent and humane course is to test their expressions of continuing interest in the Paris agreement.

There seems to be little doubt that if it is their only option, the forces arrayed against Saigon can win militarily. Based on my inquiry to Madame Binh and her response, I think they would prefer to avoid that course if they can achieve similar ends through other means. It takes no trust, but only common sense to conclude that they would want to avoid the enormous human and material cost of pressing this struggle to a final military conclusion.

Therefore, I urge that you move as quickly as possible to initiate direct contacts with the Provisional Revolutionary Government, to explore in detail the circumstances under which they would deal with South Vietnamese parties other than Mr. Thieu. All parties in South Vietnam should be informed of the results of those talks.

We cannot dictate the decisions of any party in South Vietnam, but perhaps we can, even at this late hour, attempt to mediate and advise all parties, in order to avoid a still more tragic ending to a tragic chapter in American and Vietnamese history.

Sincerely,

GEORGE MCGOVERN.

[Cablegram, April 11, 1975]

Ambassadeur Dinh Ba Thi,  
Gouvernement Revolutionnaire Provisoire,  
du RSV,  
49, Ave. de Cambaceres,  
91 Verrieres-le-Buisson,  
Paris, France.

Text as follows:

As you know from the call placed today from my office, I believe it is urgently important at this time for the U.S. Congress and the American people to have an understanding of the position of your government on two issues.

First, it would be most helpful to have an affirmation now of your government's interest in full implementation of the political provisions of the Paris agreement on Vietnam as a preferred alternative to a costly military action against Saigon.

Second, we are concerned for the safety of the Americans who remain in Vietnam, and would welcome any assurance you can provide that they would be permitted to leave in safety. Also, would it be possible for Vietnamese who have been employed by American interests to be reassimilated back into Vietnamese society.

I believe it is essential that action be taken quickly to grasp any opportunity for a political or negotiated solution that would avoid further bloodshed on all sides. Therefore, if you could arrange for me to receive a cable from Minister Nguyen Thi Binh declaring the view of your government on these issues, I would like to read this message to my colleagues in the United States Senate, and also make it available to appropriate officials in the Executive Branch.

GEORGE S. MCGOVERN,  
U. S. Senate.

APRIL 14, 1975.

Senator GEORGE MCGOVERN,  
Senator Office Building,  
Washington, D.C.

To the Honorable GEORGE MCGOVERN, Senator  
of the U.S. Congress.

DEAR SIR: Concerning the two issues your attention is drawn on, I have the honor to reaffirm as follows the position of my government.

(1) Yesterday, now, and tomorrow, as well as the Provisional Revolutionary Government of the Republic of South Vietnam, PRG, strictly respects and scrupulously implements the Paris Agreement on Vietnam and is determined to struggle in the political, military, and diplomatic fields to preserve the Agreement. The PRG firmly demands that the U.S. cease completely and definitively all its military involvement and interference in the internal affairs of SVN, withdraw all the U.S. military personnel in civilian clothes in accordance with the stipulations of the Paris Agreement. The Nguyen Van Thieu clique must be removed because it is the main obstacle to the settlement of political problems in SVN, and an administration really advocating peace, independence, democracy and national accord, and willing to scrupulously implement the Paris Agreement on Vietnam, be set up in Saigon. The PRG is ready to enter into talks with such an administration in order to rapidly settle SVN problems.

(2) With regard to Americans who still are in SVN, must specify they are members of the U.S. military personnel in civilian clothes left on the spot and illegally sent into SVN. According to the Paris Agreement, they should have already been withdrawn from SVN for a long time. If the U.S. government really wants to protect their lives, then it must pull immediately all of them out of SVN. Everybody knows that the population and the PRG have already insured the security of thousands of soldiers of the U.S. Expeditionary Army during their withdrawal from SVN after the signing of the Paris Agreement. As a matter of fact, there is no doubt that the withdrawal of 25,000 members of the U.S. military personnel in civilian clothes from SVN will not encounter any difficulty, any hindrance. However, the population and the PRG will not allow in no way whatsoever the Ford Administration to take the pretext of an evacuation to commit U.S. warships and marines in SVN.

Concerning Vietnamese who have collaborated with the U.S., including officers, soldiers, policemen, and functionaries of the Nguyen Van Thieu administration, and in conformity with the national reconciliation and concern of the National Front for Liberation, and with the spirit and the letter of the Paris Agreement, the PRG on March 25, 1975,

issued its 7 point policy and on April 1, 1975, its 10 point policy with a view to realizing the great union and national concord to abolishing hatred and suspicion sown among Vietnamese by the U.S. and Nguyen Van Thieu. Presently, the inhabitants in the newly liberated areas are happily organizing a new life. This evident fact positively rejects stories fabricated about a so-called blood-bath. On the contrary, it is the so-called evacuation organized by the U.S. and Nguyen Van Thieu which is only a force displacement of the population and a kidnapping of Vietnamese children and which has caused numerous mourning and suffering to this population in SVN.

With my highest regards,

MME. NGUYEN THI BINH,  
Minister for Foreign Affairs of the  
Provisional Revolutionary Govern-  
ment of the Republic of South Viet-  
nam.

[New York Times carried their translation of this on April 3]

STATEMENT OF THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIETNAM ON THE UNITED STATES-PUPPET SCHEME OF FORCIBLE CONSCRIPTION, UPGRADING OF PARAMILITARY FORCES INTO THE REGULAR ARMY, FORCIBLE EVACUATION AND CONCENTRATION OF THE POPULATION, SABOTAGE OF THE PARIS AGREEMENT AND CONTINUATION OF THE U.S. NEOCOLONIALIST WAR

#### ARTICLE 1

Let the entire people unite and resolutely foil all schemes of the United States and its puppets aimed at conducting forcible conscription, upgrading para-military forces into the regular army, carrying out forcible evacuation and concentration of the people, undermining the Paris Agreement and dragging on the neo-colonialist war of the U.S. imperialists:

(a) Every Vietnamese has the obligation and honor to unite and fight to frustrate the schemes of the United States and the Saigon puppet administration of forcible draft, upgrading, forcible evacuation and concentration of the population, and to protect the youth and not to let the enemy send his or her dear ones to kill their countrymen and oppose the fatherland.

(b) Those who oppose forcible conscription, upgrading, and forcible evacuation and concentration of the people will be wholeheartedly supported by the revolutionary administration. Draft dodgers and deserting soldiers will be protected and helped by the people to oppose the enemy and defend their lives and property. He who wants to take part in revolutionary activities will be entrusted with proper work. He who desires to cross over to the area administered by the revolutionary administration will be helped to earn his livelihood.

(c) Those who protect youths, persuade soldiers, officers and members of the puppet administration to act in the interests of the people and the country, and for the sake of the implementation of the Paris Agreement, will be commended by the revolutionary administration, and even be awarded for their service.

#### ARTICLE 2

With regard to families whose dear ones are in the military and administrative machines of the Saigon regime:

(a) Those families whose dear ones are in the military and administrative machines of the Saigon puppet regime, families of orphans and widows—unhappy victims of the neo-colonialist domination of the United States and its lackeys—if they do no harm to the revolution they will have the same rights and obligations as other citizen families. The Provisional Revolutionary Government welcomes all Vietnamese families which are sincerely united and struggle for peace, independence, freedom, democracy and national concord.



(b) Those families whose dear ones are in the Saigon military and administrative machines and who had no opportunities to contribute to the cause of the nation, but who now actively persuade their dear ones to struggle for the strict implementation of the Paris Agreement and oppose the U.S. imperialists and the warlike clique in the Saigon puppet army and administration, will be welcomed and commended by the revolution.

Those who encourage their dear ones to contribute to the revolution will be rewarded. Those families which persuade their dear ones to stage insurrections will be recognized as families of merit.

#### ARTICLE 3

With regard to those who are forced to join the "popular defense", "militia" forces and other para-military organizations:

(a) Those who are forced to join the "popular defense" and "militia" forces and other para-military organizations, if having done no harm to the people, will have the same rights and obligations as other citizens.

(b) Those individuals and units that have struggled against military training, guard duty, patrolling, laying ambushes, regular forces and cruel coercion, and helped youths to dodge the draft and soldiers to leave the Saigon army, and helped the people freely to earn their living and return to their native villages and together with the people struggle against the enemy, will be commended by the revolutionary administration for their meritorious action.

(c) Those individuals and units that surrendered their weapons to the revolution or joined the people's uprisings to punish cruel thugs, smash the enemy's coercion, destroy strategic hamlets and concentration camps, overrun posts and liberated hamlets and villages, will be properly awarded according to their merits.

(d) Those who ask to take part in revolutionary activities and join the revolutionary armed forces will be admitted and welcomed.

#### ARTICLE 4

Concerning soldiers in posts, units of militia, "civil guard" and regular forces, various arms and services and police of the Saigon administration:

(a) Those individuals, posts and units that have struggled against the harsh regime and exploitation of soldiers and their families, against upgrading of para-military forces into regular forces, demanded to be demobilized, left the Saigon army for home, protested against orders to conduct land-grabbing operations, to illegally erect posts and to herd the people into concentration camps, and opposed police operations and suppression of the people, and expressed their sympathy with and support to or join the people's struggle, will be welcomed and assisted by the people and the revolutionary administration.

(b) Those individuals, posts and units that staged uprisings, surrendered posts and weapons to the revolution, crossed over to the revolution with weapons and documents or together with the people rose up, punished tyrannical agents, overran posts, destroyed bases and depots which were staging-places of Saigon troops to commit crimes and sabotage the Agreement, and contributed to the liberation of their hamlets and villages, and those individuals and units which staged mutinies right on the battlefronts and together with the liberation armed forces punished the saboteurs of the Agreement, will be recognized as insurgent soldiers and insurgent units and will be duly awarded according to their merits. Those who were wounded while taking actions of merit will enjoy the same treatment as wounded revolutionaries, and if killed in action, they will be recognized as fallen soldiers.

#### ARTICLE 5

Concerning those members of the Saigon army and administration who are now in areas under the control of the revolutionary administration:

(a) Those soldiers, officers, policemen, war invalids, war veterans and personnel of the Saigon administration who left the puppet army and administration to live in areas under the control of the revolutionary administration and do no harm to the revolution and the people, and strictly observe the revolutionary administration's laws, will be helped to earn their livelihood.

Those who want to carry out agricultural production but are in lack of lands will be considered and allotted lands according to the enforced land policy.

Those who want to return to their native places will be helped to realize their desire.

Those who voluntarily take part in activities in localities will be encouraged and provided works according to their capacity.

(b) In newly liberated areas, those who voluntarily settle in and report to the revolutionary administration in accordance with its regulations will be encouraged and helped.

Anyone who cooperated with the revolution to protect public property, hand in weapons, dossiers and documents, find out stubborn agents in hiding to sabotage security and order, discover dumps and underground bunkers of the enemy, or together with the people called on other people to report, will be commended and awarded according to their merits.

Anyone who wants to contribute to building the new regime and to serve the people and the fatherland will be considered and provided with appropriate work.

#### ARTICLE 6

Concerning officers, generals and high-ranking officials of the Saigon administration living at home or abroad:

(a) The revolutionary administration welcomes all those who sincerely advocate peace, independence, democracy and national concord and together want to strictly implement the Paris Agreement without distinction to the past, political tendencies and positions.

(b) Those officers and generals who follow the tendencies and organizations of the third political force will be treated as other members of the aforesaid forces by the revolutionary administration.

(c) The revolutionary administration recognizes as insurgent officers, officers and high-ranking officers whose units under their command rose up or mutinied to join the revolutionary side and allows them to keep their old rank. It highly appreciates and awards those officers and generals who have merit in commanding their units to rise up or mutiny and to cross over to the revolution. Anyone who made special efforts will be considered and promoted.

(d) Anyone who for the sake of the national just cause, but having difficulties, comes to liberated area alone or with family, will be provided favorable conditions. Their own property will be respected. Anyone whose family comes to liberated area with capital and production tools to carry out business will be encouraged and assisted.

#### ARTICLE 7

Concerning captives and those criminals who sincerely repented:

(a) The people and the revolutionary administration will give humanitarian treatment to captives and fair treatment to those who surrender.

Those who want to return to their families to earn their living honestly or to participate in the revolutionary activities will be considered and helped.

(b) Those who committed crimes and now

sincerely repent will be tolerated; if they made meritorious actions for their crimes they will be awarded according to their acts.

#### 10-POINT POLICY OF THE PROVINCIAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIETNAM REGARDING NEWLY LIBERATED AREAS

To preserve and promote the gains of the revolution, normalize the life of the people, actively safeguard and implement the Paris Agreement on Viet Nam, and bring the South Viet Nam revolution to new and yet greater victories, the Provisional Revolutionary Government of the Republic of South Viet Nam declares the following 10-point policy concerning the areas recently liberated:

1. The complete abolition of the regime and administration machinery, armed forces, all organizations, all regulations and all forms of repression and coercion of the puppet administration. The speedy establishment of the people's revolutionary administration at all levels in the newly-liberated areas.

All the offices of the former puppet administration will be taken over by the revolutionary administration. Functionaries under the puppet administration must seriously observe all the lines and policies of the Provisional Revolutionary Government.

All reactionary parties and other political organizations which collaborated with the enemy will be dissolved.

2. The achievement of democratic freedoms for the people, and of equality between the sexes.

The guarantees of freedom of belief and of unity and equality of religions. The people's freedom for religious worship shall be respected; pagodas and churches, holy sees and temples, shall be protected.

3. The implementation of a policy of great national unity, national reconciliation and concord, and opposition to the aggressive imperialism. The strict prohibition of all actions likely to give rise to discord, hatred or mistrust among the people or among the various ethnic groups.

All people, rich or poor, and irrespective of nationality, religion, or political tendency, must unite in mutual affection and assistance for the building of the liberated zone and for a new life in happiness.

Minority nationals are equal in all respects to their fellow-countrymen of the majority ethnic group. Devoted assistance will be provided to them to develop their economy and culture and improve their living conditions.

4. All people living in the liberated zone are free to carry on their occupations. They are duty-bound to help maintain law and order, and to support the revolution.

The people's revolutionary administration shall firmly and in good time deal with all schemes or actions of sabotage, or counterattacks by the enemy. Severe punishment will be given to elements engaged in activities against the revolutionary administration, against law and order, against the lives, property or honor of the people, or against public property in the custody of the revolutionary administration.

5. The property left by the puppet administration will be managed by the Provisional Revolutionary Government of the Republic of South Viet Nam.

6. All industrial establishments, all handicraft shops, all establishment of trade, transport and communications, and all other public facilities must continue to operate to serve the national economy and the people in their everyday life.

Attention will be paid to the restoration of the production and to the normalization of the life of the people. Jobs will be provided to the unemployed and to other people capable of working.

Business associations are guaranteed to

keep their ownership, and are allowed to continue to operate their businesses in the interests of the nation and the people.

Devoted care will be given to orphans, the disabled, and the aged.

7. Encouragement will be given to farmers to rehabilitate and develop agricultural production, and to fishing, salt-making and forestry enterprises. Encouragement will be given to the owners of industrial plantations and orchards to continue to do business.

8. All cultural, scientific and technical establishments, schools and hospitals will open again to serve the people. All agencies in service of the reactionary, decadent, enslaving culture of the U.S. imperialism and the puppet administration will be strictly banned.

All progressive national cultural activities are encouraged to develop. Talents in science and technology will be highly appreciated in the interest of national construction.

9. The strict implementation of this policy adopted on March 25, 1975, by the Provisional Revolutionary Government of the Republic of South Viet Nam: all puppet officers and soldiers, policemen, disabled soldiers, veterans and civil servants who leave the enemy ranks and come to the liberated zone, or who stay in the liberated areas and report themselves to the revolutionary administration in strict conformity with the regulations of the revolutionary administration, will receive assistance to earn their living, to go home, or, if they wish, to serve in the new regime according to their capabilities. Their meritorious actions will be rewarded, but those who work against the revolution will be severely punished. Criminals who have sincerely repented will be pardoned.

10. The lives and property of foreign residents will be protected. All foreign residents must respect the independence, and sovereignty of Viet Nam, and must strictly observe all regulations and policies of the revolutionary administration.

Foreign residents who wish to contribute to the South Vietnamese people's struggle for independence, freedom and national construction are welcomed. South Vietnam, April 1st, 1975.

#### AMENDMENT NO. 358

Mr. McGOVERN. Mr. President, I also submit for appropriate reference an amendment to (S. 1484) the legislation recently reported by the Senate Foreign Relations Committee relative to humanitarian and evacuation assistance for Vietnam. The amendment, which I ask to have printed at this point in the RECORD, instructs the Secretary of State to begin immediate negotiations with the PRG and the North Vietnamese looking toward a negotiated termination of the conflict.

In view of the sense of the Congress proposed offered by the Senator from Minnesota (Mr. HUMPHREY) calling for negotiations, I shall probably not call up my amendment if the Humphrey amendment passes although I would prefer the mandatory language in my own amendment.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

At the end of the bill insert the following: "SEC. 8. The Secretary of State is directed to initiate immediately discussions with representatives of the Provisional Revolutionary Government of the Republic of South Vietnam and of the Democratic Republic of Vietnam to declare the support of the United States for all political goals of the Agreement and Protocols on Ending the War and Restoring Peace in Vietnam, including specifically the terms of Article 12, and to deter-

mine the precise conditions under which the Provisional Revolutionary Government and the Democratic Republic of Vietnam would agree to establishment of a ceasefire and to a political settlement of the conflict. Within seven days, the Secretary shall advise the United States Congress and appropriate officials in Vietnam, including the Legislative Branch of the government in Saigon and principal third force leaders, of the progress and results of these discussions."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 133) was agreed to as follows:

Resolved, That it is the sense of the Senate that the President should (a) request all Vietnamese parties to reopen discussion toward the implementation of the Agreement on Ending the War and Restoring Peace in Vietnam; (b) undertake immediately to encourage and support those elements in South Vietnam who are desirous of seeking a political settlement; (c) make known to all Vietnamese parties that the extent of present and future American assistance to all Vietnamese will depend on the degree of good faith efforts made by them to obtain a ceasefire and political solution to the conflict.

SEC. 2. It is further the sense of the Senate that the President should submit a report to the Senate within thirty days after the adoption of this resolution describing fully and completely the steps he has taken to carry out the purposes of this resolution.

SEC. 3. The Secretary of the Senate shall transmit a copy of this resolution to the President.

#### A TIME TO FACE THE TRUTH

Mr. MANSFIELD. Mr. President, the distinguished Senator from Colorado (Mr. GARY W. HART) has a commentary in today's New York Times which I think is worthy of the consideration of all Members of the Senate and, for that matter, all Members of Congress.

He has indicated that we have voted "a hodgepodge of tax rebates, tax reductions, investment tax credits, and tax reforms" which is open to question. He asks us to look ahead and consider conditions in the country 6 to 12 months from now and to assess the results if nothing happens in the meantime, because of the tax action taken by this Congress, which I disapproved of because I think it will be counterproductive.

He indicates a number of reasons covering relationships in industry, labor, and Government which are open to question and he calls for the "hard truth" about the economic pie, its shrinkage and why many of our present policies are "inherently inflationary."

He also advocates a number of proposals which, in his opinion, would form the basis for a sound policy, a return to fundamental values and would give a message of hope to the American people.

I agree with his recommendations and also with his statement that "the administration and Congress have merely taken the easiest course, the one most readily at hand." As he puts it, the hard questions have not been asked and the causes have not been identified which account for the present difficult economic situation in which we find ourselves at the present time.

Mr. President, the message of Senator

HART's commentary is one which should be taken most seriously by all of us and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 21, 1975]

#### FREE LUNCH IS OVER

(By GARY HART)

WASHINGTON.—The thought seems hardly to have occurred to anyone, during our current scramble to cure the nation's economic ills, that we may be treating only the symptoms of the illness or, even worse, the wrong disease.

Congress has voted a hodge-podge of tax rebates, tax reductions, investment tax credits, and tax reforms—all representing "fine tuning" of an economic engine that requires a major overhaul.

Consider what the mood of the country will be in six to twelve months if these measures have gone into effect and nothing happens: inflation runs rampant and unemployment remains at recession levels.

Politicians and economists must realize times have changed. The creaking economic ship of state is taking on water from leaks that did not exist in the Great Depression or even more recent recessions:

1. Keystone industries have become increasingly concentrated and anticompetitive, and spend more money on sexy advertising campaigns than they do on innovation, invention, product quality and product safety.

2. New Deal regulatory agencies stifle competition, create bureaucratic nightmares, and are seduced by the industries they were designed to regulate.

3. Government procurement policies, particularly for military hardware, are political footballs that, with acquiescence by organized labor, have become tools for "economic stimulation" in favored regions.

4. Giant multinational corporations—chartered in this country, by owing allegiance to no flag—run roughshod over our foreign policy and dominate our economy through control of vast quantities of raw materials and productive facilities.

5. The tax structure is increasingly used as a subsidy mechanism in the amount of \$92 billion a year, over half of which goes to powerful special interests.

6. Much of the nation's capital assets—railroads, seaports and shipyards, plants and productive capacity—deteriorate while we seek to "stimulate" an economy premised on wasteful consumption and planned obsolescence.

More than anything else, the nation cries out for leaders who will tell the hard truth—that old-time, "fine-tuning" economic remedies are no better than leeches and snake oil in the last quarter of the 20th century; that the free lunch is over and, in fact, the economic pie is shrinking; that economic stimulation through weapons procurement is inherently inflationary; that a democracy cannot long survive with a tax system as inequitable as ours; that our "free-enterprise" economy is being eaten alive by big enterprise while the Government acquiesces; that the quality of life is more important than the quantity of goods consumed.

But those same leaders could offer a message of hope and a return to fundamental values. Translating these values into sound policy will require strong measures such as these:

Fiscal stimulation through rebuilding our national assets, not through weapons production; a return to true competition through strict antitrust action and public-interest regulation; stimulation of private savings and investment through programs to broaden private ownership of productive as-

must hire on the basis of merit; on the other, they are required to consider the residence of an applicant in making the hiring decision, especially those applicants from States in arrears of their quota. Also, since veterans are exempt from the apportionment requirement, women, according to GAO, "have had to bear more than their fair share of the burden of apportionment."

My third reason for introducing this legislation is that this law is outmoded. It was enacted in 1883 as an expression of public policy to insure all sections of the country a proportionate share of Federal appointments and to provide varied viewpoints in Washington. Comparable representation of States is being achieved today by the rotation policies of many Government agencies, by open lines of communication, and by the increase mobility of the population. In 1970's, many civil servants transfer from regional offices to Washington, providing varied points of view. Equally important, 20th century technology has brought us a more rapid exchange of ideas across the country than was possible in the 1800's. Visits and contacts between the various Government offices are much more frequent today.

The General Accounting Office in its November 1973 report entitled "Proposed Elimination of the Apportionment Requirement for Appointments in the Departmental Service in the District of Columbia," concluded that this legislation should be repealed. The Civil Service Commission concurs. It said:

The Commission has long held that the apportionment requirement is outmoded, ineffective, and cumbersome to administer . . . the most objectionable aspects of apportionment, in our view, are its adverse effects on the merit system and on the achievement of equal employment opportunity objectives. . . . We do not believe that this requirement, enacted to meet the needs of a markedly different period in our civil service history, has any place in a modern, streamlined appointment system, the keystone of which is merit.

Finally, 15 departments and agencies surveyed by the GAO reported they favor eliminating the apportionment requirement. These agencies make the very valid point that it is cumbersome to administer, time consuming, and archaic.

Thus, I urge my colleagues to join me in removing this law from the books. Though perhaps well founded when enacted, it reflects adversely on the image and character of the Federal Government. Administering it is a waste of the taxpayer's money. And basically, it is unjustified and unjust.

#### IMMEDIATE ACTION NEEDED TO EXPEDITE AMERICAN EVACUATION FROM VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 5 minutes.

Mr. BEDELL. Mr. Speaker, I am today joining with 45 of my colleagues in introducing a House concurrent resolution that expresses the sense of the Congress that, "The President should take immediate action to order Ambassador Martin to expedite the orderly evacuation

of American nationals from Vietnam, and see that such prompt, orderly evacuation is accomplished." I have been very concerned about the slow pace of the evacuation effort for some time now. In the past few weeks, U.S. officials have not acted as quickly as they should have to get substantial numbers of Americans out of Vietnam, and reports from Vietnam indicate that Ambassador Martin has been largely responsible for the slow pace of the evacuation effort.

I am encouraged by today's figures which indicate that the evacuation rate has been stepped up over the weekend. However, I do not believe that we can afford to ignore Ambassador Martin's record in Vietnam. We must continue to do all we can to insure that the evacuation of Americans, too long delayed, continues in a responsible and timely manner.

The situation in Vietnam is extremely delicate. And, while we must recognize the dangers of a precipitous withdrawal of Americans from Vietnam and the need to guard against them, we must also realize that time is running out for South Vietnam and for the Americans that remain there. I am hopeful that the resignation of President Thieu will serve to stabilize the situation in Vietnam somewhat and lay the groundwork for the negotiation of a settlement. However, we cannot count on this eventuality. The stakes are too high.

Current estimates suggest that Saigon could fall as early as May 1. Against this background, and the images of panic it invokes, we must recognize that once there is a breakdown of public order in Vietnam, the application of force to save Americans becomes no solution. It simply cannot succeed.

Our goal, therefore, must be to reduce the number of American nationals in Vietnam to the barest minimum as quickly as is realistically possible. Such a minimum should include just a nucleus of essential Embassy personnel. The smaller the final American operation in Vietnam, the greater the chances that we will be able to get the remaining Americans out of that country safely once the final crunch comes.

In light of the past role that Ambassador Martin has played in Vietnam, I believe that it is imperative that the Congress advise President Ford that it holds him responsible for Ambassador Martin's conduct and that he should take immediate action to insure that Mr. Martin does in fact expedite the orderly evacuation of American nationals from Vietnam. The attached resolution is designed to serve that purpose.

The text of the resolution follows:

H. CON. RES. 245

Whereas the safety of American nationals in Vietnam is of great concern to the American people;

Whereas it is currently still possible to evacuate those American nationals from Vietnam without the involvement of American combat forces;

Whereas reports from Vietnam indicate that Ambassador Graham Martin has not, and is still not, taking decisive action to expedite the evacuation of American nationals from Vietnam while it is still possible to do so without the involvement of American combat forces,

Whereas Ambassador Martin is accountable to the President of the United States; Whereas the President of the United States is ultimately responsible for the safe evacuation of American nationals from Vietnam; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

The President should take immediate action to order Ambassador Martin to expedite the orderly evacuation of American nationals from Vietnam, and see that such prompt, orderly evacuation is accomplished.

#### OLDER AMERICANS AND HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 15 minutes.

Mr. BRADEMAS. Mr. Speaker, the recent and widely publicized investigations into the operations of nursing homes have made us all painfully aware of the many problems faced by the more than 1 million older Americans who live in intermediate and long term care facilities.

Indeed, Mr. Speaker, some of the findings of these investigations are staggering. The transcripts of the hearings held by the Senate Subcommittee on Long Term Care are replete with examples of cruelty, negligence, danger from fires, food poisoning, virulent infections, lack of human dignity, callousness and unnecessary regimentation, and kickbacks to nursing home operators.

These problems, Mr. Speaker, are made even more acute by the fact that presently there are few if any alternative forms of health care assistance available for the millions of elderly who need some type of health care service. And here, Mr. Speaker, I speak of alternatives which would allow elderly persons to live independently in their own homes.

The deplorable conditions in nursing homes and the lack of alternatives to institutionalization are serious problems which demand our immediate attention.

I should not, Mr. Speaker, that the House of Representatives recently passed H.R. 3922, the Older Americans Amendments of 1975, which, together with other members of the Committee on Education and Labor, I had the honor to sponsor. I mention this bill, Mr. Speaker, because I feel that it represents an important step toward remedying some of the problems which I have just enumerated.

Yet we are all aware that much more must be done.

It is with this background, Mr. Speaker, that I wish to submit for the Record a recent position paper written by Dr. Amitai Etzioni and several of his colleagues at Columbia University which is entitled "Public Management of Health and Home Care for the Aged and Disabled."

Mr. Speaker, I feel that this paper is well worth the reading of all of my colleagues who are sincerely interested in resolving the complex health care problems which afflict millions of older Americans:

THE WHITE HOUSE  
WASHINGTON

April 17, 1975

MEMORANDUM FOR: LT. GENERAL BRENT SCOWCROFT  
THRU: MAX L. FRIEDERSDORF  
FROM: VERN LOEN *VL*  
SUBJECT: **Republican Whip Check**

House GOP Whip, Bob Michel, R-Ill., conducted a Republican Whip Check today on the following question:

"Would you vote for any military assistance to Vietnam?"

Responses were as follows:

45 Y (many qualified)

62 N

14 Undecided

23 NR

It is worth noting that had this vote been taken early this week there probably would have been more like 100 No's. Time seems to be working in our favor as the Members learn more about the military situation and evacuation contingency. Thus, a delay over the weekend capped by Secretary Kissinger testifying before the House Appropriations Committee on Monday and movement on the Senate side should prove salutary.

There should be no problem with humanitarian assistance. The Morgan-Broomfield bill passed this afternoon by a vote of 18 to 7. Amendments offered by Hamilton-du Pont-Biester were also defeated 18 to 7.





APR 21 1975

H.J. Res 407

Making Emergency Supplemental Appropriations for Assistance to the Republic of South Vietnam for the Fiscal Year ending June 30, 1975 and for other purposes.

Resolved that the following sums are appropriated out of any money out of the Treasury not otherwise appropriated, to supply supplemental appropriations for the Fiscal Year ending June 30, 1975 and for other purposes, namely:

DEPARTMENT OF DEFENSE - MILITARY

Military Assistance, South Vietnamese forces

For an additional amount for "Military Assistance, South Vietnamese Forces," \$220 M.

FUNDS APPROPRIATED TO THE PRESIDENT

Indochina Postwar Reconstruction Assistance

For an additional amount for "Indochina Postwar Reconstruction Assistance," \$165 M

This is the Mahon Resolution introduced in Armed Services Committee

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General Weyand testifying now, Dr. Kissinger due to testify at 3:00 p.m.



APR 2 1974

THE WHITE HOUSE  
WASHINGTON

April 2, 1975

MEMORANDUM FOR: JACK MARSH

FROM: BOB WOLTHUIS *RKW*

Since our 2 o'clock meeting this afternoon I have given considerable thought to how the President should meet the Viet Nam problem. The more I have thought about it the more convinced I become that from a perspective of history and politics, the President should come out strong now requesting additional military assistance. I am quite aware that this approach will probably lose in Congress. However, I think the President must be on record strongly in support of an ally about to go under. I don't see that it would hurt him politically that much if he made the request and then were turned down by the Congress. If he does not make the request, the Presidency and the Ford Administration would be subject to the inevitable recriminations that will come in the months and years ahead.

Secondly, I cannot see how Saigon will stiffen without the U.S. taking the first step. Consequently, I strongly recommend that the President bypass the Congress and address the American people as soon after his meeting with General Weyand as is feasible.

