

TERMINATION OF SOUTHEAST ASIA RESOLUTION

MAY 15, 1970.—Ordered to be printed.

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

REPORT

[To accompany S. Con. Res. 64]

The Committee on Foreign Relations, to which was referred the concurrent resolution (S. Con. Res. 64) to terminate certain joint resolutions authorizing the use of the Armed Forces of the United States in certain areas outside the United States, having considered the same, reports favorably thereon with an amendment and recommends that the concurrent resolution, as amended, do pass.

COMMITTEE AMENDMENT

Senate Concurrent Resolution 64, as amended by the Committee, reads as follows:

Resolved by the Senate (the House of Representatives concurring), That under the authority of section 3 of the joint resolution commonly known as the Gulf of Tonkin Resolution and entitled "Joint resolution to promote the maintenance of international peace and security in Southeast Asia", approved August 10, 1964 (78 Stat. 384; Public Law 88-408), such joint resolution is terminated effective upon the day that the second session of the Ninety-first Congress is adjourned.

COMMITTEE ACTION

Beginning with the introduction of S. 3000 by Senator Goodell on October 7, 1969, the Committee on Foreign Relations received by referral from the Senate a number of resolutions relating to peace and security in Southeast Asia and other areas. Most of these resolutions related to the war in Vietnam. Specifically, they were as follows:

S. 3000 by Senator Goodell, October 7, 1969.

Senate Resolution 268, by Senator Hughes and others, October 8, 1969.

Senate Resolution 270 by Senators Church and Hatfield, October 9, 1969.

Senate Concurrent Resolution 39 by Senator McGovern and others, October 9, 1969,

Senate Concurrent Resolution 40 by Senators Javits, Metcalf, and Pell, October 14, 1969,

Senate Resolution 271 by Senator Dole and others, October 13, 1969.

Senate Resolution 275 by Senator Scott and others, October 15, 1969.

Senate Concurrent Resolution 42 by Senator Young of Ohio, October 21, 1969.

Senate Resolution 280 by Senator Scott and others, November 7, 1969.

Senate Joint Resolution 166 by Senators Mathias and Mansfield, December 8, 1969.

The Department of State was requested to comment on each of the resolutions. The resolutions and the Department's comments thereon appear in the appendix of this report.

Each of these resolutions was before the committee when on February 3, 4, and 5 and March 16, 1970, public hearings were held. These proceedings have since been published. The testimony of Under Secretary of State Elliot L. Richardson was received on March 16. Most attention during that hearing was focused on Senate Joint Resolution 166, the Mathias-Mansfield resolution, and that resolution became the subject of subsequent executive session discussions which were held on March 20, April 3, and April 10.

As a result of these discussions, the committee decided that some portions of the Mathias-Mansfield resolution required further study. Thus, action on those portions of Senate Joint Resolution 166, which would establish a joint committee of the Congress to study the feasibility of termination of the national emergency proclaimed by the President on December 19, 1950, was postponed. Furthermore, those portions of the Mathias-Mansfield resolution which would have repealed the Formosa resolution (69 Stat. 7) and the Cuba resolution (76 Stat. 697) were temporarily laid aside because their termination would have required enactment of law rather than action by concurrent resolution.

Action on other pending resolutions has been deferred.

Termination of the Middle East resolution (71 Stat. 5; Public Law 85-7) and the Tonkin Gulf resolution (78 Stat. 384; Public Law 88-408) can, by their terms, be accomplished by passage of a concurrent resolution rather than by enactment of legislation which would require the concurrence of the President. With this situation in mind, the committee, on April 10, 1970, approved without objection a motion to terminate by concurrent resolution the Middle East and the Tonkin Gulf resolutions.

Inasmuch as the original Mathias-Mansfield resolution (S.J. Res. 166) had been in the form of a Senate joint resolution and the Javits, Metcalf, Pell resolution (S. Con. Res. 40) in the form of a concurrent resolution, it was agreed that the sponsors of those two resolutions, both of which incorporated provisions terminating the Tonkin Gulf

resolution, would be invited to introduce a new concurrent resolution. That concurrent resolution was introduced on April 30, 1970, and is numbered Senate Concurrent Resolution 64.

On May 1, 1970, the committee voted, again without objection, to report Senate Concurrent Resolution 64 to the Senate and to recommend that the leadership schedule it for early consideration.

On May 5, Senate Concurrent Resolution 64 was recommitted for further consideration.

On May 11, the committee again considered Senate Concurrent Resolution 64 and agreed to amend it to limit its applicability to the repeal of the Tonkin Gulf resolution, to defer for the time being further action on the repeal of the Middle East resolution, and to confine the committee report to a simple statement of committee action. By a vote of 13 to 1, Senate Concurrent Resolution 64, as amended, was ordered reported and the committee recommends its approval.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the concurrent resolution, 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):

[VIETNAM RESOLUTION (TONKIN GULF RESOLUTION)]

[(a) Public Law 88-408, approved August 10, 1964]

[JOINT RESOLUTION To promote the maintenance of international peace and security in southeast Asia]

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

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

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

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

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

[SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.]

APPENDIX

Resolutions relating to peace and security in Southeast Asia and other areas

1. S. 3000¹

A BILL To amend the Foreign Assistance Act of 1961

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 Disengagement Act of 1969."

SEC. 2. (a) Congress finds that the broad foreign policy interests of the United States require that the American military presence in Vietnam be removed at the earliest possible time, and that such action will promote the social and political well-being of the people of South Vietnam; that the prosecution of the war in Vietnam with American troops must be ended, not merely reduced; that the loss of American lives in Vietnam can be halted only by establishing a clear timetable for terminating American combat operations and withdrawing American troop commitments in the near future; and that the responsibility for ending the American involvement in Vietnam is not the President's alone, but must be shared by the Congress under its constitutional authority to "raise and support armies" and to "declare war."

(b) It is the purpose of this Act—

(1) to reassert the responsibility of Congress, under its constitutional authority to "raise and support armies" and "declare war," to share with the President the task of extricating this Nation from the Vietnam war; and to involve Congress in setting a clear and unequivocal timetable for the withdrawal of American troops from Vietnam;

(2) to express the clear intent of Congress that all American military personnel be withdrawn from Vietnam on or before December 1, 1970; so that the retention even of noncombat military training personnel in Vietnam after that date would not be permitted without the enactment by Congress of further legislation specifically approving such retention; and

(3) to give clear notice to the Government of South Vietnam that following December 1, 1970, it must assume the burden of fighting; and to permit the withdrawal of American military personnel and the assumption of their combat functions in an orderly fashion on a schedule set by the President with a required termination date of December 1, 1970.

¹ Senators Goodell and McGovern, October 7, 1969.

SEC. 3. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620A. PRESENCE IN VIETNAM.—No part of any amount authorized to be appropriated under any Act shall be used after December 1, 1970, to maintain military personnel of the United States in Vietnam."

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 13 enclosing copies of Senate Bill 3000 and requesting the views of the Executive Branch on this bill.

We are opposed to passage of this bill, which in effect seeks to legislate an end to the war through a prohibition on the use of appropriated funds to maintain American military personnel in Viet-Nam beyond December 1, 1970. Not only do we consider that this would be an unwise approach to a complex and vital foreign policy problem, but we believe passage of such a bill would undermine our efforts to obtain a just peace in Viet-Nam.

By setting an arbitrary date for the complete withdrawal of U.S. military forces, this bill implicitly rejects our fundamental, long-standing, and widely accepted goal in Viet-Nam—the assurance of self-determination for the South Vietnamese people. We obviously cannot maintain that goal and at the same time commit ourselves beforehand to the total withdrawal of our troops by a certain date regardless of whether or not that goal is achieved.

We intend to have our troops out of Viet-Nam as quickly as possible consistent with this basic goal. As the President said in his news conference on September 26:

"* * * if the Administration were to impose an arbitrary cutoff time * * * for the complete withdrawal of American forces * * *, that inevitably leads to perpetuating and continuing the war until that time and destroys any chance to reach the objective I am trying to achieve of ending the war before the end of 1970. * * * I also believe that (proposals such as this one) inevitably undercut and destroy the negotiating position we have in Paris * * * any incentive for the enemy to negotiate is destroyed if he is told in advance that if he just waits for 18 months we will be out anyway."

We believe, therefore, that passage of this bill would not serve our country's best interests, and we urge its rejection.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary
for Congressional Relations.

2. SENATE RESOLUTION 268¹

RESOLUTION Expressing the sense of the Senate that certain measures should be taken by the Government of South Vietnam

Resolved, That it is the sense of the Senate that the Government of South Vietnam should promptly be urged to take the following steps within the next sixty days:

(1) Grant liberty and amnesty to all of those presently held in custody as political prisoners;

(2) Lift the censorship of all communications media, foreign and domestic, including especially those newspapers which have been closed down;

(3) Permit political parties the freedom to organize and operate without governmental controls; and

(4) Present a plan for a provisional government, broadly representative of the main political, ethnic, and religious groups of South Vietnam, whose principal functions will be to maintain government effectively during the transition from war to peace; and be it further

Resolved, That it is the sense of the Senate that if each of these conditions is not satisfied, in whole or in substantial part, then the United States should declare officially that its commitment to the present Government of South Vietnam is ended, and that with all responsible haste it will terminate its military, political, and economic assistance to that Government.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

HON. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations.
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 13 enclosing copies of Senate Resolution 268 and requesting the views of the executive branch on this resolution.

This resolution would make continuation of United States involvement in Viet-Nam contingent upon two steps by the Government of the Republic of Viet-Nam: (1) instituting certain political liberalization measures within the next 60 days; and (2) presenting a plan for a broad provisional government. In our view, the resolution ignores the substantial political progress already made by the South Vietnamese government, as well as the reasonable proposals for a peaceful settlement which that government has made in recent months.

We are of course interested in seeing the Vietnamese make rapid progress in the field of political liberalization. At the same time we realize the problems they face in doing so under difficult and unusual wartime conditions. We nevertheless will continue to encourage their efforts in this regard and to make our views known. However, we cannot impose on the South Vietnamese our own idea of what their government should be, and we believe an ultimatum to the Vietnamese government such as this resolution implies would be neither proper

¹ Senators Hughes, Church, Cranston, Eagleton, Hatfield, McCarthy, McGovern, Mondale, Yarborough, and Young of Ohio, October 8, 1969.

nor useful as a means of furthering the common search for peace in which our two countries are engaged.

This resolution apparently reflects a misunderstanding of our basic purpose in Viet-Nam. We are not fighting there to maintain in power any individual, group, or government. Our goal is self-determination for the people of South Viet-Nam, so that they can choose their own government freely. Both we and the present Government of the Republic of Viet-Nam have pledged to accept that choice and have made reasonable proposals for elections in which all South Vietnamese could participate in order to determine it.

The authorities in Hanoi are prolonging the war and refusing to engage in serious negotiations because they hope we can be forced to abandon this principle of self-determination. We believe the rejection of this resolution will help destroy that false hope and enhance the prospects for meaningful negotiations and an early peace.

Sincerely yours,

H. G. TORBERT, Jr.,
*Acting Assistant Secretary
of Congressional Relations.*

3. SENATE RESOLUTION 270¹

RESOLUTION Expressing the sense of the Senate relative to the Vietnam war

Resolved, The Senate of the United States takes cognizance that:

(1) It is the duty of the Senate to give advice and consent to the Executive in the conduct of foreign affairs. In view of the continuing war in Vietnam, the exercise of such responsibility is the highest form of service to be performed.

(2) The war in Vietnam was caused by no one man and no one party, but it is the responsibility of all men and both parties to bring the war to an end. In the past five years, some forty thousand American soldiers have died. Since the beginning of this year, more than eight thousand American fighting men have been killed. In light of the thousands of lives being lost, there can be no moratorium on discussion and no halt to the necessity for leadership in terminating further American participation in the combat.

(3) The President has taken a step in the right direction by his announced withdrawal of sixty thousand American troops. But this is only a small beginning to what must be done to extricate the United States from this war. At the present rate of withdrawal, American troops will be engaged in Vietnam for the next eight to ten years. The policy of the United States can no longer wait upon the pleasure of either Saigon or Hanoi.

(4) The future of South Vietnam must be shaped by the will of the South Vietnamese. The continued presence of United States military forces can only postpone the political accommodations essential to ending the conflict; and be it further

Resolved, That in the sense of the Senate that, having furnished South Vietnam with an American shield for the past five years to allow for the development of its political and military capacities, the time has arrived for the people of South Vietnam to take charge of their own destiny; and be it further

¹ Senators Church and Hatfield, October 8, 1969.

Resolved, That this can be accomplished only through a more rapid withdrawal of American troops, and a commitment by the United States to fully disengage from South Vietnam, pending such reasonable interval as may be necessary to effect an orderly transition on the battlefield, and provide for the safety of American troops and those who may wish to leave with them.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

HON. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate,

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 13 enclosing copies of Senate Resolution 270 and requesting the views of the Executive Branch on this resolution.

We would be opposed to passage of this resolution. We certainly agree with the resolution's statement that the people of South Viet-Nam must take charge of their own destiny; this has been, and continues to be, our fundamental objective in Viet-Nam. We do not agree, however, that this can be achieved "only" through a more rapid withdrawal of American troops and a commitment by the United States to fully disengage from South Viet-Nam, as the resolution further states.

It has been the attempt by North Viet-Nam to impose its own solution by force of arms on the people of South Viet-Nam that accounts for our troops being there. We feel that the goal of self-determination for the South Vietnamese can only be achieved by the mutual withdrawal of all non-South Vietnamese forces, and we have repeatedly proposed this to those on the other side. It is the other side's refusal to accept this basic and reasonable principle that prevents a more rapid withdrawal of United States forces from Viet-Nam.

We do not agree that the presence of our forces postpones the political accommodations [sic] essential to ending the conflict. Both we and the Government of the Republic of Viet-Nam have made reasonable and forthcoming proposals for political settlement of this conflict in a manner fully consistent with the principle of self-determination for all the South Vietnamese people. Again, it is the other side's refusal even to consider these proposals that is the real obstacle to political accommodation and an honorable political settlement.

We intend to withdraw our combat troops as rapidly as possible, but we must do this in such a way as to support our fundamental objective of self-determination and our negotiating proposals and other actions designed to achieve it. In our view the much more limited conditions and requirements for withdrawal which the resolution proposes would not support that objective and those actions and would make far more difficult our efforts to obtain a just and lasting peace in Viet-Nam.

The authorities in Hanoi are prolonging the war and refusing to engage in serious negotiations because they hope we will abandon the principle of self-determination and withdraw precipitately from Viet-Nam. The rejection of this resolution will help destroy that false hope

and enhance the prospects for meaningful negotiations and an early peace.

Sincerely yours,

H. G. TORBERT, Jr.,
*Acting Assistant Secretary
 for Congressional Relations.*

4. SENATE CONCURRENT RESOLUTION 39¹

CONCURRENT RESOLUTION Relating to withdrawal of United States forces from Vietnam

Whereas the war in Vietnam has resulted in the loss of more than forty thousand American lives, in some two hundred and fifty thousand American casualties, in the depletion of American resources to the extent of over \$100,000,000,000, and in inestimable destruction of Vietnamese life and property; and

Whereas the war stands today as the greatest single obstacle to efforts to focus the country's financial, human, and spiritual resources upon urgent domestic needs; and

Whereas spokesmen for the present administration have recognized that military victory cannot be achieved in Vietnam and have specifically defined United States policy to exclude that unattainable goal; and

Whereas the painful history of United States involvement in Vietnam exposes the futility of external attempts to create and sustain a viable, indigenous government, particularly when its leaders resist political and social reforms aimed at inspiring popular confidence and support; and

Whereas the leaders of South Vietnam have indicated, by action and deed, that their ambitions conflict with the interests of the United States in a prompt settlement of the conflict, and that they are unlikely to adopt a negotiating posture which might end the war so long as they are assured of all the United States support they need to prosecute it; and

Whereas the dominant result of policies relating the level of American presence to the capability or willingness of the South Vietnamese to fight the war themselves can only be the continued daily loss of life and limb by American servicemen, with no foreseeable conclusion; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress of the United States that all United States forces should now be withdrawn from Vietnam, the pace of the withdrawal to be limited only by steps to insure the safety of our forces, the mutual release of prisoners of war, and the provision of safety, through arrangement for amnesty or asylum in friendly countries, for those Vietnamese who might be endangered by our disengagement.

¹ Senators McGovern, Church, Cranston, Hughes, McCarthy, Ribicoff, Young of Ohio, Nelson, Moss, and Goodell, October 9, 1969.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

HON. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 13 enclosing copies of Senate Concurrent Resolution 39 and requesting the views of the Executive Branch on this resolution.

We would oppose passage of this resolution. While we agree that the war in Viet-Nam has resulted in heavy burdens for our people, we do not believe the great majority of Americans would wish us to abandon our fundamental objective—that of self-determination for the South Vietnamese people—for the more limited goals this resolution implicitly sets in calling for more rapid withdrawal of American forces from Viet-Nam.

The resolution suggests the only requirements we should fix for withdrawal are the safety of our own forces, the release of prisoners, and amnesty or asylum for those Vietnamese endangered by our withdrawal. In our view the withdrawal of United States troops from Viet-Nam must be carried out in such a way as to help assure our goal of self-determination and to support our negotiating efforts designed to achieve it.

As the President said on May 14:

“What kind of a settlement will permit the South Vietnamese people to determine freely their own political future? Such a settlement will require the withdrawal of all non-South Vietnamese forces from South Vietnam and procedures for political choice that give each significant group in South Vietnam a real opportunity to participate in the political life of the nation.

“To implement these principles, I reaffirm now our willingness to withdraw our forces on a specified timetable. We ask only that North Vietnam withdraw its forces from South Vietnam, Cambodia and Laos into North Vietnam, also in accordance with a timetable.

“We include Cambodia and Laos to ensure that these countries would not be used as bases for a renewed war. The Cambodian border is only 35 miles from Saigon; the Laotian border is only 25 miles from Hue.

“Our offer provides for a simultaneous start on withdrawal by both sides; agreement on a mutually acceptable timetable; and for the withdrawal to be accomplished quickly.

“If North Vietnam wants to insist that it has no forces in South Vietnam, we will no longer debate the point—provided that its forces cease to be there, and that we have reliable assurances that they will not return.”

In addition, as the President stated on November 3:

“We have adopted a plan which we have worked out in cooperation with the South Vietnamese for the complete withdrawal of all U.S. combat ground forces, and their replacement by South Vietnamese

forces on an orderly scheduled timetable. This withdrawal will be made from strength and not from weakness. As South Vietnamese forces become stronger, the rate of American withdrawal can become greater."

The authorities in Hanoi are prolonging the war and refusing to engage in serious negotiations because they hope we can be forced to abandon the principle of self-determination. We believe that the rejection of this resolution will help destroy that false hope and enhance the prospects for meaningful negotiations and an early peace.

Sincerely yours,

H. G. TORBERT, Jr.,
*Acting Assistant Secretary
 for Congressional Relations.*

5. SENATE CONCURRENT RESOLUTION 40¹

CONCURRENT RESOLUTION To terminate Public Law 408 of the Eighty-eighth Congress (Gulf of Tonkin resolution), and for other purposes

Whereas the Armed Forces of the United States have been involved in warfare in Vietnam, pursuant to Public Law 408 of the Eighty-eighth Congress, on a scale resulting in the third highest combat fatalities in United States history; and

Whereas the Army of the Republic of Vietnam is being trained and equipped to take over from the United States forces in Vietnam; and

Whereas domestic and world conditions do not warrant further prolongation of the present United States combat involvement in Vietnam; and

Whereas the moral obligation the United States bears to the people of South Vietnam is to provide asylum for those whose lives would be endangered by our withdrawal: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should withdraw all American combat troops by the end of 1970; and be it

Resolved further, That upon such withdrawal, unless the President shall have previously determined that peace and security in Southeast Asia is reasonably assured pursuant to section 3 of Public Law 408 of the Eighty-eighth Congress, such joint resolution shall terminate on December 31, 1970; and be it

Resolved further, That it is the sense of the Congress that the remaining United States forces should be withdrawn in a reasonable time thereafter and that during this period steps should be taken by the United States in cooperation with the United Nations or other international organizations to provide asylum for those in South Vietnam whose lives would be endangered by such action.

¹ Senators Javits, Metcalf, and Pell, October 14, 1969.

Department of State Comments

WASHINGTON, D.C., December 4, 1969.

HON. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 17 enclosing copies of Senate Concurrent Resolution 40 and requesting the views of the Executive Branch on this resolution.

We would oppose passage of this resolution, which seeks to establish the end of 1970 as the date both for a fixed deadline for withdrawal of all United States combat troops and for repeal of the Tonkin Gulf Resolution.

We believe that the establishment of a firm date for withdrawal of United States troops will not bring us closer to our goals in South Viet-Nam. The Administration hopes to withdraw United States combat troops from Viet-Nam as quickly as possible and has a plan for accomplishing this objective. Public revelation of a fixed timetable, however, would not contribute to the attainment of this objective. It would jeopardize our chances of obtaining a political settlement through negotiations and could interfere with the continuing orderly transfer of the United States share of combat to the South Vietnamese.

Further, we oppose the repeal of the Tonkin Gulf Resolution at this time. Certainly the Congress has the right to terminate this resolution if it chooses to do so. However, we do not believe that its termination would bring us any closer to peace. The Administration's commitment to terminate participation of American combat forces in the war is clear, and the basic objective of the proposed resolution, namely the disengagement of United States forces from the war, is already on the way to being achieved.

In addition, the existence of the Tonkin Gulf Resolution has consequences for Southeast Asia which go beyond the war in Viet-Nam. The question of its termination must be considered carefully in terms of our other international obligations in the area, particularly the Southeast Asia Collective Defense Treaty which the Tonkin Gulf Resolution specifically cites.

Sincerely yours,

H. G. TORBERT, JR.,
Acting Assistant Secretary
for Congressional Relations.

6. SENATE RESOLUTION 271¹

RESOLUTION

Peace in Vietnam

Resolved, That it is the sense of the Senate that the Government of North Vietnam and the National Liberation Front are urged to take promptly the following steps:

¹ Senators Dole, Allott, Baker, Bellmon, Bennett, Boggs, Cannon, Cook, Cotton, Curtis, Dominick, Ervin, Fannin, Fong, Goldwater, Griffin, Gurney, Hansen, Hollings, Hruska, Jordan of Idaho, McGee, Mathias, Miller, Mundt, Murphy, Pearson, Percy, Saxbe, Scott, Smith of Maine, Smith of Illinois, Stevens, Thurmond, Tower, Jordan of North Carolina, and Dodd, October 13, 1969.

(1) acknowledge that a just and mutually agreed settlement is the best hope for lasting peace;

(2) show at the Paris peace talks the same flexibility and desire for compromise which the Allies have clearly demonstrated over the past year;

(3) agree to direct negotiations between representatives of the National Liberation Front and of the Government of the Republic of Vietnam as proposed by the latter;

(4) withdraw their insistence on Allied surrender through their demand for the overthrow of the Government of the Republic of Vietnam before genuinely free elections could be held; and

(5) provide information on the status of United States prisoners of war held in North Vietnam and by the National Liberation Front, and give evidence that these prisoners are being treated humanely in accordance with the provisions of the Geneva Convention; and be it further

Resolved, That it is the sense of the Senate that the United States must maintain its one fundamental goal in Vietnam of peace, with self-determination for the South Vietnamese people.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

HON. J. W. FULBRIGHT,
*Chairman, Committee on Foreign Relations,
U.S. Senate.*

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 14 enclosing copies of Senate Resolution 271 and requesting the views of the Executive Branch on this resolution.

We fully agree with this resolution, which reiterates our fundamental goal of self-determination for the South Vietnamese people and correctly places the blame for lack of progress toward peace on the communist side. It also notes correctly the flexibility our side has shown in attempting to reach a negotiated settlement, and it calls upon Hanoi to do the same.

The drafters of this resolution have recognized that Hanoi continues to remain inflexible in the hope that pressures in this country will force us to abandon our fundamental goal. This resolution, if endorsed by the Senate, could contribute greatly to an early and honorable settlement by making clear to the other side that the majority of the American people are firmly behind our present efforts to reach an honorable negotiated solution. We would greatly welcome such an endorsement.

Sincerely yours,

H. G. TORBERT, Jr.,
*Acting Assistant Secretary
for Congressional Relations.*

7. SENATE RESOLUTION 275¹

RESOLUTION Relative to the intrusion of the Premier of North Vietnam into the affairs of the United States

Whereas the Premier of North Vietnam has publicly described the Vietnam moratorium in an open letter to the American people as "their fall offensive" aimed at forcing the United States "to withdraw completely and unconditionally" from Vietnam; and

Whereas the said Premier's letter to the American people is a blatant and insolent intrusion into the affairs of the American people: Now, therefore, be it

Resolved, That we abhor the attempt of Premier Pham Van Dong to associate Americans who demonstrate for peace with the cause of North Vietnam; and

Resolved further, That the Senate repudiates the Premier's letter and the intrusion which it represents into the constitutional right of Americans to assemble peacefully to petition their Government.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

HON. J. W. FULBRIGHT,
*Chairman, Committee on Foreign Relations,
U.S. Senate.*

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 17 enclosing copies of Senate Resolution 275 and requesting the views of the Executive Branch on this resolution.

We think a resolution such as this would be beneficial in that it would point out clearly to the Hanoi authorities that they are seriously mistaken if they equate demonstrations for peace here with support for their cause.

We must recognize that the leaders in Hanoi look upon disruption and dissent here as one of their best allies. Premier Pham Van Dong's letter is only one of the latest and most blatant attempts to exploit the yearning for peace which runs so strongly in our society. We believe the North Vietnamese should be disabused of their misconceptions about the meaning of dissent in our society, a concept which is totally alien to their own totalitarian outlook and experience.

Once the North Vietnamese realize that such dissent does not mean that the overwhelming majority of Americans have abandoned their desire for an honorable peace, the chances for a satisfactory negotiated settlement will be greatly increased. Such a settlement is our overriding goal, and we feel the proposed resolution would aid significantly in helping us achieve it.

Sincerely yours,

H. G. TORBERT, Jr.,
*Acting Assistant Secretary
for Congressional Relations*

¹ Senators Scott, Hatfield, and Mansfield, October 15, 1969.

8. SENATE CONCURRENT RESOLUTION 42¹

CONCURRENT RESOLUTION To terminate the joint resolution commonly known as the Gulf of Tonkin Resolution

Resolved by the Senate (the House of Representatives concurring), That, under the authority of section 3 of the joint resolution, commonly known as the Gulf of Tonkin Resolution and entitled "Joint resolution to promote the maintenance of international peace and security in southeast Asia", approved August 10, 1964 (78 Stat. 384), such joint resolution is terminated upon passage of this concurrent resolution.

Department of State Comments

WASHINGTON, D.C., December 4, 1969.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 27 enclosing copies of Senate Concurrent Resolution 42 and requesting the views of the Executive Branch on this resolution.

We would oppose the passage of this resolution. While the Congress certainly has the right to terminate the Tonkin Gulf Resolution if it chooses to do so, we do not believe that its termination would bring us any closer to peace. The basic objective of the proposed resolution, namely the disengagement of United States forces from the war, is already on the way to being achieved through this Administration's current program of seeking a negotiated settlement and withdrawing United States combat forces on an orderly basis as the South Vietnamese are able to assume a greater share in their own self-defense.

The existence of the Tonkin Gulf Resolution also has consequences for Southeast Asia which go beyond the war in Viet-Nam. The question of its termination must be considered carefully in terms of our other international obligations in the area, particularly the Southeast Asia Collective Defense Treaty which the Tonkin Gulf Resolution specifically cites.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary
for Congressional Relations.

9. SENATE RESOLUTION 280²

RESOLUTION Affirming the support of the Senate for the President's efforts to negotiate a just peace in Vietnam

Resolved, That the Senate affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest

¹ Mr. Young of Ohio, October 21, 1969.

² Senators Scott, Mansfield, Allen, Allott, Baker, Bennett, Boggs, Burdick, Byrd of Virginia, Byrd of West Virginia, Cook, Cotton, Curtis, Dodd, Dole, Dominick, Fong, Gravel, Griffin, Gurney, Hansen, Hatfield, Holland, Hruska, Jackson, Jordan of Idaho, McClellan, McGee, McIntyre, Mathias, Metcalf, Miller, Mundt, Packwood, Pearson, Percy, Proxmire, Randolph, Smith of Maine, Spong, Stevens, Talmadge, Thurmond, Tower, Williams of Delaware, and Young of North Dakota, November 7, 1969.

hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and that the United States is willing to abide by the results of such elections, and requests the President to call upon the Government of North Vietnam to join in a proclamation of a mutual cease-fire and to announce its willingness to honor such elections and to abide by such results and to allow the issues in controversy to be peacefully so resolved in order that the war may be ended and peace may be restored at last in Southeast Asia.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

HON. J. W. FULBRIGHT,
*Chairman, Committee on Foreign Relations,
U.S. Senate.*

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of November 12 enclosing copies of Senate Resolution 280 and requesting the views of the Executive Branch on this resolution.

We welcome this proposed resolution in its support of our fundamental objective in Viet-Nam and of President Nixon's efforts to negotiate a just peace which assures that objective—the right of self-determination for the people of South Viet-Nam. The resolution draws special strength from the fact that it is co-sponsored by the Majority and Minority leaders as well as by an impressive list of other distinguished Senators from both parties.

The authors of the resolution approve the United States' willingness to honor and be bound by the results of free elections open to all South Vietnamese, requests the President to seek agreement with the government of North Viet-Nam on a joint proclamation of a mutual cease-fire; and requests the President to call upon the government of North Viet-Nam to announce its willingness to honor such elections and to allow the issues in controversy to be resolved peacefully.

This is entirely in accord with the goals of this Administration. We are already committed to acceptance of the outcome of free elections and to peaceful settlement of the issues in dispute and have repeatedly urged this on the other side. Mutual cease-fire under international supervision was an element of the President's peace plan of May 14 and has been an integral part of our peace proposals since then.

Endorsement of this resolution by the Committee and the Senate would enhance the prospects for peace by demonstrating to those on the other side that our current efforts to reach an honorable settlement in Viet-Nam enjoy strong backing in the legislative as well as executive branch of our government and must be taken seriously as a basis for real negotiations.

Sincerely yours,

H. G. TORBERT, JR.,
*Acting Assistant Secretary
for Congressional Relations.*

10. SENATE JOINT RESOLUTION 166¹

JOINT RESOLUTION To repeal legislation relating to the use of the Armed Forces of the United States in certain areas outside the United States and to express the sense of the Congress on certain matters relating to the war in Vietnam, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (1) the joint resolution of January 29, 1955 (69 Stat. 7), relating to the protection of the security of Formosa and the Pescadores, (2) section 2 of Public Law 85-7 (71 Stat. 5), relating to the use of the Armed Forces of the United States under certain circumstances to maintain peace in the Middle East, (3) the joint resolution of Cuba of 1962, Public Law 87-733 (76 Stat. 697), expressing the determination of the United States in relation to Latin America, and (4) Public Law 88-408 (78 Stat. 384), relating to the maintenance of international peace and security in Southeast Asia, are repealed effective with the sine die adjournment of the Ninety-first Congress.

SEC. 2. (a) There is hereby established a joint committee of the Senate and the House of Representatives to be known as the Joint Commission on the Termination of the National Emergency (hereinafter in this section referred to as the "joint committee") consisting of twelve members, as follows:

(1) six Members of the Senate, to be designated by the President of the Senate, three of whom shall be members of the Committee on Foreign Relations of the Senate; and

(2) six Members of the House of Representatives, to be designated by the Speaker of the House of Representatives, three of whom shall be members of the Committee on Foreign Affairs of the House of Representatives. The joint committee shall select a chairman and vice chairman from among its members.

(b) Vacancies in the membership of the joint committee shall not affect the authority of the remaining members to execute the functions of the joint committee.

(c) A majority of the members of the joint committee shall constitute a quorum thereof for the transaction of business, except that the joint committee may fix a lesser number as a quorum for the purpose of taking testimony.

(d) No legislative measure shall be referred to the joint committee, and it shall have no authority to report any such measure to the Senate or the House.

(e) The joint committee shall cease to exist upon the sine die adjournment of the second session of the Ninety-first Congress.

(f) It shall be the function of the joint committee to conduct a study and investigation with respect to the matter of terminating the national emergency proclaimed by the President of the United States on December 16, 1950, and announced in Presidential Proclamation Numbered 2914, dated the same date. In carrying out such study and investigation the joint committee shall—

¹ Senators Mathias and Mansfield, December 8, 1969.

(1) consult and confer with the President and his advisers regarding the most effective method of terminating such national emergency;

(2) consider the problems which may arise as the result of terminating such national emergency; and

(3) consider what administrative or legislative actions might be necessary or desirable as the result of terminating such national emergency.

(g) The joint committee shall submit a report to the Congress as soon as practicable after the date of enactment of this joint resolution, but in no event later than the end of the Ninety-first Congress, setting forth the results of its study and investigation together with such recommendations as it deems appropriate.

(h) In carrying out its duties under this section, the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings; to sit and act at such times and places; to take such testimony; to procure such printing and binding; and to make such expenditures as it deems advisable. The committee may make such rules respecting its organization and procedure as it deems necessary.

(i) The expenses of the joint committee shall be paid from the contingent fund of the Senate from funds appropriated for the joint committee, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee duly authorized by the chairman. The cost of stenographic service to report hearings shall not exceed the amounts fixed by law for reporting the hearings of standing committees of the Senate.

SEC. 3. The Congress hereby declares its support of the President's efforts to achieve a political solution in Vietnam and of his plan for the accelerated withdrawal of all United States forces from South Vietnam and strongly urges that, in carrying out such plan, the President take appropriate action to seek the creation of an international peacekeeping force under the United Nations or appropriate Asian auspices to prevent further hostilities in the Republic of South Vietnam and to prevent reprisals against any people of that country following the withdrawal of United States forces.

SEC. 4. The Congress hereby urges South Vietnamese leaders representative of all political, religious, and ethnic groups in South Vietnam to initiate serious discussions designed to lead to the creation of a government capable of gaining popular support and sustaining a durable political order after the departure of United States forces.

SEC. 5. Congress hereby urges the President, as soon as practicable after the date of enactment of this joint resolution, to invite other nations to participate with the United States in the formulation of a plan for the reconstruction of war-ravaged areas in Southeast Asia through multilateral cooperation and to submit to the Congress as soon as possible recommendations for a United States contribution to such multilateral activity and to submit such proposals for legislation as may be necessary to implement such plan.

Department of State Comments

Washington, D.C., March 12, 1970.

HON. J. WILLIAM FULBRIGHT,
 Chairman, Committee on Foreign Relations,
 U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with your letter of December 11, 1969, the Department of State has carefully reviewed Senate Joint Resolution 166 and is pleased to comment upon it.

Section 1 of Senate Joint Resolution 166 would repeal the Formosa resolution (69 Stat. 7), the resolution on the Middle East (71 Stat. 5), the Cuba Resolution (65 Stat. 697), and the Tonkin Gulf Resolution (78 Stat. 384). Section 2 would establish a joint committee of the Congress to study termination of the national emergency proclaimed by the President on December 16, 1950. Sections 3, 4, and 5 would express the sense of the Congress on certain matters relating to Vietnam and reconstruction of war-ravaged areas in Southeast Asia.

For reasons discussed in detail below, the Department believes that repeal of the resolutions specified in section 1 is a matter within the discretion of the Congress. We neither advocate nor oppose congressional action. Similarly, the Department has no objection to a study of the consequences of terminating the 1950 proclamation of a state of national emergency, although we consider it would be unwise for the proposed joint committee to work with a preordained position. Finally, while the Department agrees with certain of the principles stated in sections 3, 4, and 5 and considers that they reflect a sound view of Vietnam policy and reconstruction in Southeast Asia, we believe that other parts of those sections would have unfortunate implications.

Section 1—The continuing significance of the joint resolutions

Each of the resolutions specified in section 1 was passed in response to a crisis situation in the affected area. Thus, the Formosa Straits resolution dealt with a direct military threat against the offshore islands; the Mid-East resolution arose from the threat of Soviet expansionism in the area and the situation following the 1956 Suez/Sinai war; the Cuba resolution was passed in the context of adventurist Soviet military policies directly threatening our security; and the Tonkin Gulf resolution responded to an assault upon our naval forces in international waters.

In these moments of crisis, the use of these resolutions as a highly visible means of executive-legislative consultation was instrumental in demonstrating unified support for our policies to the world and the American public and in indicating congressional approval for the possible employment of U.S. military forces in support of those policies.

The crisis circumstances giving rise to these resolutions have long since passed. As indicated by the specific analyses below, the administration is not depending on any of these resolutions as legal or constitutional authority for its present conduct of foreign relations, or its contingency plans.

Equally important, the administration does not consider the continued existence of these resolutions as evidence of congressional authorization for or acquiescence in any new military efforts or as a substitute for the policy of appropriate and timely congressional consultation to which the administration is firmly committed.

Should a situation arise calling into play our treaty commitments or otherwise seriously and immediately affecting vital United States interests in the areas affected by these resolutions, we would wish to see Congress at that time fulfill its proper role under the Constitution in the decisionmaking process. We would keep the appropriate committees and the congressional leadership fully informed and would cooperate to the maximum in Congress' fulfillment of its responsibilities. Should circumstances warrant, and after consultation with appropriate committees and the Congressional leadership, we might indeed seek further resolutions in fresh crises.

In short, as a functional matter, these resolutions have no continuing significance in the foreign policy formulation process, and it is for Congress to determine whether they should be terminated or simply allowed to fade away.

At the same time, the Department would call to the committee's attention that these resolutions contain significant recitals of basic principles of our policies in the affected areas. Repeal of these resolutions would raise questions about current U.S. policy in the areas concerned and thus inevitably would entail certain adverse political consequences abroad. On the other hand, we believe the administration has stated its policy clearly with respect to the questions dealt with by those resolutions. As the President made clear in his recent state of the Union message and on numerous prior occasions, the United States intends to keep its defense commitments. Thus, to foreclose any possible misunderstanding, we analyze below the current legal significance of the resolutions involved in section 1 and we restate the relation between the policy principles stated in these resolutions and the policies of this administration as spelled out by the President and the Secretary of State.

The Cuban resolution

The Cuban resolution of October 3, 1962, was above all a statement of U.S. policy toward Cuba. It was not intended to add to the President's powers or to authorize any particular action he might take in the future. Consequently, we do not consider that the Cuban resolution in any way affects the powers of the executive and legislative branches. It has never been relied upon by the executive as the legal basis for any action. President Kennedy's 1962 order for the interdiction of the delivery of offensive missiles to Cuba cited as authority only the Constitution and statutes of the United States, while adding that the President was acting "in accordance" with the Cuban resolution as well as the resolutions of the Organization of American States on the subject.

The Cuban resolution, does, however, reflect U.S. policy toward Cuba. That policy conforms to the hemisphere-wide policy adopted by the Organization of American States. It expresses the U.S. determination to prevent the Castro regime from extending its aggressive or subversive activities to any part of the Western Hemisphere. It states that the United States is determined to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States. Finally, it expresses U.S. determination to work in support of self-determination for the Cuban people. This policy remains the policy of this administration. We believe the success of this policy will be enhanced by the success of the

broad program of action for progress for the Americas, which the President set forth in his address before the Inter-American Press Association on October 31, 1969. In that address the President also said:

"I would stress one other point. We cannot have a peaceful community of nations if one nation sponsors armed subversion in another's territory.

"The Ninth Meeting of American Foreign Ministers clearly enunciated this principle. The export of revolution is an intervention which our system cannot condone, and a nation like Cuba which seeks to practice it can hardly expect to share in the benefits of this community."

The Formosa resolution

The Formosa resolution of January 29, 1955, expressed congressional approval for the President "to employ the Armed Forces of the United States as he determines necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores."

This resolution is now 15 years old. In the event of a new crisis in the Formosa Strait, this administration would not view the continued existence of the Formosa resolution as a source of congressional authority.

Our defense commitment to the Republic of China is clearly set forth in our Mutual Defense Treaty, which entered into force several months after the resolution was adopted. Repeal of the resolution would not affect our commitment to the defense of the treaty area or our ability to meet it.

The Middle East resolution

Much of the Middle East resolution of March 9, 1957, is no longer relevant. That portion of section 2 of the resolution giving congressional approval for the President to undertake military assistance programs has now been overtaken by the Foreign Assistance Act. Similarly, section 3 of the resolution, authorizing the President to expend funds during fiscal year 1957 is no longer relevant. Section 4, authorizing the President to furnish assistance to the United Nations Emergency Force, has no current applicability since UNEF no longer exists.

The resolution's statement, in section 2, that "the United States is prepared to use armed forces to assist any nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism" plays a role in U.S. bilateral agreements with Iran, Pakistan, and Turkey. Article 1 of those agreements, which is common to all three of them, says that "in cases of aggression against (Iran, Pakistan, Turkey), the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the joint resolution to promote peace and stability in the Middle East, in order to assist the Government of (Iran, Pakistan,

Turkey) at its request." Repeal of the resolution would in no way affect the continuing validity of these bilateral agreements. On the other hand, if the resolution is not repealed, the administration would not construe it as a source of authority for any decisions which might involve the United States in a conflict in that area.

Perhaps the most important statement of the Middle East resolution is the sentence in section 2 which states that "* * * the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East." The policy expressed by this statement has continued, throughout the years, to be the cornerstone of U.S. policy in the Middle East. It remains the policy of this administration. Repeal of the Middle East resolution would not affect our continued commitment to the preservation of independence and integrity of the nations in that area.

The Tonkin Gulf resolution

As noted above, this administration has not relied on or referred to the Tonkin Gulf resolution of August 10, 1964, as support for its Vietnam policy.

Repeal at this time, however, may well create the wrong impression abroad about U.S. policy.

The President has made our policy on Vietnam clear on numerous occasions. We seek a negotiated settlement and are proceeding with efforts to bring the war to an end even if such negotiated settlement proves unobtainable. The Congress could, of course, draft and adopt a new resolution to complement and support that policy.

Termination of the national emergency—Section 2

Section 2 of Senate Joint Resolution 166 would establish a "Joint Committee on the Termination of the National Emergency." The Department has no objection to the creation of such a study committee and would be pleased to cooperate in any way possible with the committee's work. However, we should like to suggest that if such a study is to be undertaken its conclusions ought not be prejudged either by the title of the committee or by its terms of reference.

The first specific function of the committee would be to "consult and confer with the President and his advisers regarding the most effective method of terminating such national emergency"; this language assumes that the national emergency should be terminated and that the only question is how. In fact, the proclamation of 1950 makes operative some 170 statutes that provide a set of authority the continuation of which is important under present world conditions. If the national emergency were to be terminated we believe that substantially similar authority would have to be provided in its stead. Thus, the first question which the committee might study is not how the national emergency should be terminated but what purposes it serves. With respect to those purposes it found to be substantial, it could then ask whether these were best provided for by continuation of the present proclamation or by some other means.

Vietnam settlement—Section 3

We welcome the expression of support in this section for the President's efforts to achieve a political solution in Vietnam. Section 3 goes on to support the President's plan for withdrawal of U.S.

forces and urges the creation of an international peacekeeping force for Vietnam, a proposal that is consistent with the President's call for international supervision of a cease-fire. For the sake of accuracy section 3 might be revised to state our fundamental objective of self-determination for the South Vietnamese people and to avoid the possible implication that the continued implementation of the program of troop withdrawals will result in a situation in which the people of South Vietnam will be dependent on an outside force to assure their security or protect them from reprisals.

Formation of a new government in South Vietnam—Section 4

Section 4 of the Senate Joint Resolution 166 urges South Vietnamese leaders of "all political, religious, and ethnic groups in South Vietnam to initiate serious discussions designed to lead to the creation of a government capable of gaining popular support and sustaining a durable political order after the departure of U.S. forces." It is the policy of this administration to support and encourage as broadly representative a government as possible in South Vietnam.

Unfortunately, the language of section 4 is misleading in its implication that the present government is incapable of "gaining public support and sustaining a durable political order." In addition, the language of section 4 may connote an American effort to impose a coalition government on South Vietnam. The President has indicated that he would not favor any political settlement imposed on South Vietnam from outside, the form and composition of their government being a matter for the South Vietnamese to decide.

Southeast Asia reconstruction—Section 5

The Department concurs in the aims of section 5 of the Mathias resolution; that is, multilateral cooperation in the reconstruction of the areas in Southeast Asia damaged by the war. The administration intends to submit to the Congress its recommendation for postwar reconstruction and development and to request appropriate actions for a U.S. contribution to a multilateral effort at an appropriate time.

In light of the above comments, the Department of State is prepared to cooperate fully with the Committee on Foreign Relations in examining the questions raised by the draft resolution.

Sincerely,

H. G. TORBERT, JR.,
*Acting Assistant Secretary
 for Congressional Relations*

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