1912: Turkey.

A troop detachment from the U.S.S. Scorpion assisted in the protection of the diplomatic corps at Istanbul during the Balkan War. State, 27.

1912: Nicaragua.

During a civil war, the President of Nicaragua asked the United States to protect its citizens resident there. Acting on a recommendation of the American Minister, President Taft ordered sizable landings of marines in August and September, 1912. Political stability returned to Nicaragua by January, 1913, but a detachment of marines was kept in Managua to guard the American Legation after the rest of the American troops withdrew. The Legation guard was reinforced in 1922 and remained until August 1, 1925. State, 27.

1913: China.

U. S. forces landed in July at Chapei and Shanghai to protect American interests. Rogers reports there were many demonstrations and landing parties by United States forces for protection in China continuously from 1912 to 1914. He writes: "In 1927, for example, this country had 5,670 troops ashore in China and 44 naval vessels in its waters. In 1933 we had 3,027 armed men ashore. All this protective action was in general terms based on treaties with China ranging from 1898 to 1901." Rogers, 117.

1913: Mexico.

In September a few Marines disembarked at Cisrias Estero, during a period of civil strife, to aid in the evacuation of American citizens. State, 27.

1914: Haiti.

Marines landed in January, February, and August to protect American citizens during a period of unrest. State, 27.

1914: Dominican Republic.

During a period of revolutionary activity, U. S. naval forces fired at revolutionaries who were bombarding Puerto Plata, in order to stop the action. Also, by a threat of force, fighting in Santo Domingo was prevented. State, 28.
1914: Occupation of Vera Cruz, Mexico.

On April 9, 1914, an American naval officer and 9 crewmen from the U.S.S. Dolphin anchored off the coast at Tampico, Mexico, were arrested and marched through the streets by local authorities. They were released and an apology was extended as soon as the local Mexican commander learned of the incident. Admiral Mayo, commander of the American squadron, also demanded a 21-gun salute to the American flag. The Mexicans refused and President Wilson promptly ordered the North Atlantic battleship fleet to Tampico. On April 20, he addressed Congress in a joint session and asked for authority to use the armed forces. While Congress debated, Wilson learned that a German steamer was headed toward Vera Cruz to unload munitions for Huerta, and he decided to direct the naval action against Vera Cruz instead of Tampico. American armed forces landed at Vera Cruz, and, after an armed engagement resulting in 400 casualties, the Americans occupied the city on April 21.

On April 22, Congress passed a joint resolution which declared that the President was "justified in the employment of the armed forces of the United States to enforce his demand for unequivocal amends for certain affronts and indignities committed against the United States," but that the United States disclaimed any hostility to the Mexican people or any purpose to make war upon Mexico." By November 23, 1914, American troops had left Mexican soil. State, 4.

1915: Dominican Republic.

On August 15, the 5th Marine Regiment arrived at Puerto Plata to protect American lives and property during a revolutionary outbreak. Their protective mission lasted until October 12, 1915. USMC, 1, 116.

1915-1924: Haiti.

In July, at the initiative of the Executive, the United States placed Haiti under the military and financial administration of the United States, in part to protect American lives and property and in part to forestall European intervention to collect debts. Marines were stationed in Haiti until 1924. The occupation was sanctioned by a treaty consented to by the Senate in February, 1916, but the first months of the occupation were on executive authority alone. State, 28.
1916-1924: Dominican Republic.

President Wilson ordered the occupation of Santo Domingo in May, 1916, owing to local unrest. At one point, 3,000 marines were ashore. The United States placed a military governor in the Dominican Republic but turned political affairs over to the Dominicans in 1922. U.S. troops withdrew in 1924, and a general treaty signed that year formally sanctioned the previous occupation. The Convention of February 8, 1907, also appears to have authorized the landing of U.S. troops. State, 28.

1916: China.

American forces landed at Nanking to quell a riot taking place on American property. Apparently this was authorized by a treaty. State, 28.

1916-1917: Pershing Expedition into Mexico.

In October, 1915, the United States recognized the Carranza regime as the de facto government in Mexico. At the same time, Mexican rebel, Pancho Villa, directed a campaign against the United States. In January, 1916, Villa's followers massacred 18 American mining engineers in Santa Isabel, Mexico.

Then, on March 9, 1916, 400 of Villa's men raided Columbus, New Mexico, and killed 17 Americans. The American public was incensed, and Wilson delayed sending an expedition only until he could obtain Carranza's consent. On March 13, 1916, when Carranza's government acceded, Wilson ordered General John J. Pershing to take U.S. Army units into Mexico. On March 16, Pershing crossed the border with 6,000 troops. On the following day, Congress adopted a joint resolution introduced by Senator Robert LaFollette sanctioning the use of the armed forces. Until then, Wilson had been relying on claims of authority under the Acts of 1795 and 1807 relative to employing the armed forces whenever there is "imminent danger of invasion."

Villa eluded Pershing, and the size of the U.S. expedition soon grew to such proportions (12,000 men) that Carranza protested and demanded its withdrawal, threatening war. Wilson on June 18 called out the National Guard and incorporated it into the Army; 150,000 militia were ordered to the Mexican border. But neither country really wanted war, and the crisis gradually subsided. Wilson decided to withdraw all American troops from Mexico in February, 1917. State, 5-6.

1917: Armed Atlantic Merchant Ships.

In February, President Wilson asked Congress for authority to arm U.S. merchant vessels with defensive guns, but Congress refused to pass such a law. Thereupon President Wilson acted, on his own authority, to equip American merchant vessels with guns
1917: Cuba.

American troops landed in February at Manzanilla to protect American interests during a revolt. Various other landings were made, and though the revolt ended in April, 1917, troops remained until 1922 because of continued unsettled political conditions. This was authorized by the Treaty of 1903. State, 28.

1917: China.

On December 3 and 4 American troops landed at Chungking to protect American lives during a political crisis. Apparently this was done pursuant to the Treaty of June 18, 1898, and the Boxer Protocol of September 7, 1901. Hackworth, 332.

1918-1919: Mexico.

U. S. troops entered Mexico to pursue bandits three times in 1918 and six times in 1919. In August, 1918, there was a brief skirmish between American and Mexican troops at Nogales. State, 28.

1918-1920: Expeditions to Russia.

Following the Bolshevik revolution in Russia in 1917, Allied expeditions landed in 1918, at Murmansk and then Archangel. American troops first landed in August, 1918, with most arriving in Archangel Harbor on September 4. Though Armistice Day came on November 11, 1918, the American forces remained until June 27, 1919. At Archangel, the U. S. contributed some 5,208 men and suffered some 549 casualties, including 244 deaths.

The Allies also landed units in Siberia in August and September of 1918 where Bolshevik troops were fighting a force of 62,000 Czech soldiers who were trying to fight their way eastward. The Japanese sent 74,000 soldiers; the Americans sent 6,380; and the British and French provided minor contingents. The American forces began embarking for home on January 17, 1920, and the last units left on April 1, 1920.

President Wilson, who acted without Congressional approval, agreed to participate in the Allied expeditions to aid the anti-Bolsheviks, to help several thousands of Czech soldiers get back to their homeland, and to forestall possible Japanese expansionist plans in Siberia. State, 6.
1919: Dalmatia.

At the request of Italian authorities, U.S. bluejackets were landed at Trau, September, 1919, in order to police order between the Italians and the Serbs. The action, which was entirely without the previous knowledge or consent of Congress, was an extension of the Constitutional principle of police supervision as applied in the zone of the Caribbean.

Berdahl, 56.

1919: Turkey.

On May 14, a Marine detachment from the U.S.S. Arizona landed to guard the U.S. Consulate at Constantinople during the Greek occupation of the city. USMC, I, 121.

1919: Honduras.

A small American force went ashore at Puerto Cortes to maintain order in neutral zone during an attempted revolt. State, 29.

1918-1920: Panama.

American troops went outside the Canal Zone, on request of the Panamanian Government, to supervise elections and police the Province of Chiriqui. This was authorized by the Convention of November 18, 1903. Hackworth, 331.

1920: China.

In March and August, American forces landed at Kiukiang and Youchow to protect American lives and property. This appears to have been authorized by treaty. Hackworth, 332.

1920: Guatemala.

Forty men from the U.S.S. Tacoma and Niagara went inland to Guatemala City to protect the American Legation and other American interests during local fighting, but were withdrawn after about 10 days. State, 29.

1920-1922: Siberia.

The United States stationed a marine guard on Russian Island, Bay of Vladivostok, to protect United States radio facilities and other property. State, 29.

1921: Panama-Costa Rica.

American naval squadrons demonstrated for one day on both sides of the Isthmus to prevent war between the two countries over a boundary dispute. This was implicitly authorized by treaty. State, 29.

1922: Turkey.

In September forces from several American warships went ashore with the consent of both Greek and Turkish authorities to protect American interests when the Turkish forces were advancing on the city of Smyrna. Hackworth, 333.
1922-1923: China.

There were five landings by Marines from April, 1922, to November, 1923 (at Peking, Tientsin, Taku, Tungshan, and Nasu Island) to protect Americans during periods of unrest. This appears to have been authorized by treaty. USMC, I, 122-123.

1924-1925: Honduras.

There were intermittent landings from February, 1924, to April, 1925, to protect American lives and property during local unrest. In March, 1924, the Army put ashore 157 men and in September, the U.S.S. Rochester landed 111 additional forces. USMC, I, 123-124.

1924-1925: China.

From September, 1924, to June, 1925, over seven landings were made by the Marines at Shanghai to protect Americans during a period of unrest. This appears to have been authorized by treaty. USMC, I, 124-125; Hackworth, 332-333.

1925: Panama.

As a result of strikes and rent riots, and at the request of Panamanian officials, 600 troops from the Canal Zone entered Panama City in October and remained for 11 days to maintain order. This conformed to American treaty rights. State, 29.

1926-1933: Nicaragua.

When local disturbances broke out in 1926, the Nicaraguan Government requested that American forces undertake to protect lives and property of Americans and other foreigners. In 1927, five thousand soldiers were put ashore.

Rebel political leader, Sandino, who received Communist propaganda and financial support, turned the situation into a real civil war. In January, 1928, Sandino was forced to flee to Mexico by Marine forces, but backed by Communist aid, he returned in 1930 and Nicaragua flared again. By 1933 an all-Nicaraguan Guardia Nacional became strong enough so that all U.S. Marines could leave. In all the marines had engaged in 150 clashes and lost 97 men, 32 in action. Rebel losses were approximately over a thousand.

The occupation was initiated entirely on the executive responsibility of President Coolidge. The Democrat minority bitterly criticized his policy as a "private war" and as "imperialism," but did not question the President's authority. State, 6-7; and Dupuy and Beuver, 158.
1926: China.

American forces landed at Hankow in August and September and at Chingwangtao in November to protect American interests. This appeared to have been authorized by treaty. State, 29.


Anti-foreign incidents in China reached a climax in 1927.

In February, a U.S. expeditionary battalion landed at Shanghai and in March, 1,228 marine reinforcements landed there. By the end of 1927, the United States had 44 naval vessels in Chinese waters and 3,670 men ashore. In 1928, when the Nationalists had gained greater control over Chinese territory and purged themselves of Communist support, the United States reached a separate accord with them and, in July, signed a treaty which constituted United States recognition of the Nationalist Government. A gradual reduction of United States forces in China began in the same month. State, 7-8.

1932: China.

In February, American forces landed at Shanghai to protect American interests during the Japanese occupation of the city, apparently under treaty. State, 30.

1933: Cuba.

During a revolution, United States naval forces demonstrated offshore but no forces landed. This was pursuant to the Treaty of 1903. State, 30.

1934: China.

In January, marines from the U.S.S. Tuelo landed at Foochow to protect the American Consulate, apparently pursuant to treaty rights. USMC, I, 129.

1936: Spain.

From July 27, through September 19, the Quincy, carrying a marine guard, served in the Spanish war zone. The vessel touched at several ports, sometimes evacuating American nationals. (Master rolls.)
837-1938: China.

Beginning on August 12, 1937, several marine landings were made at Shanghai to protect American interests during Sino-Japanese hostilities. Marine strength in China, assigned under the International Defense Scheme, reached 2,536 men by September 19. STNC, II, 2-3.

1940: British possessions in Western Atlantic.

On September 3, President Roosevelt informed Congress that he had agreed to deliver a flotilla of destroyers to Great Britain in exchange for a series of military bases granted us on British soil along the Western Atlantic. American troops and ships occupied a number of these points in the following months. The President did not ask approval from Congress. State, 8-9.

1941: Greenland (Denmark).

In April, after the German invasion of Denmark, the U. S. Army occupied Greenland under agreement with the local authorities. Congress was not consulted and the action appears to be contrary to an express Congressional limitation on using troops outside the Western Hemisphere. State, 8-9.

1942: Iceland.

By Presidential order, U. S. troops occupied Iceland on July 7, the same day Congress was notified. The President did not consult Congress in advance, and, in fact, the action clearly violated an express restriction that Congress had enacted a year before. Both the Reserves Act of 1940 and the Selective Service Act of 1940 provided that United States troops could not be used outside the Western Hemisphere. Iceland is generally placed with the section on Europe in each World Atlas and is some 2,300 miles away from the United States. State, 8-9.

1941: Dutch Guiana.

In November, the President ordered American troops to occupy Dutch Guiana by agreement with the Netherlands Government-in-exile. Again there was no Congressional authority for the military occupation. State, 8-9.

1941: Atlantic Convoys.

By July 7, President Roosevelt had ordered U. S. warships to convoy supplies sent to Europe to protect military aid to Britain and Russia. By September, our ships were attacking German submarines. There was no authorization from Congress. Corwin, 82-9.
In July, during the Italian-Yugoslav border dispute in the Trieste area, U.S. Naval units were dispatched to the scene with open warfare imminent. After the Yugoslavs forced down on August 9, and then shot down on August 19, unarmed U.S. Army transport planes flying over the former Italian province of Venezia Giulia, President Truman ordered our troops along the Morgan Line of occupation augmented and the reinforcement of our air forces in northern Italy. The Yugoslav-Russian offensive against Trieste then quieted. Acheson, 195-196.

1946: Turkey.

On August 7, Russia demanded that Turkey allow it to participate in the "defense" of the Straits. On August 14, President Truman met with his chief advisers and approved their recommendation to send a powerful naval force, including the supercarrier Franklin D. Roosevelt, to join the U.S.S. Missouri at Istanbul as an affirmation of U.S. intentions to resist the Russian move against Turkey and the Straits. President Truman informed his advisers that he understood fully that the action could lead to war, but that nevertheless he was determined to prevent Soviet domination of the area. Acheson, 195, 196.

1946: Greece.

In September, during the attempted Communist takeover of Greece, naval units were requested by the U.S. Ambassador. One carrier was on the scene. USN, 1974.

1948: Palestine.

On July 18, a Marine consular guard was detached from the U.S.S. Kearny and sent to Jerusalem to protect the U.S. Consular General there. One consular official was assassinated and two Marines were wounded during the Arab-Israeli War. USMC, III, 7.

1948: Mediterranean.

On January 7, Fleet Admiral Nimitz implied Marine reinforcements sent from the U.S. to Mediterranean waters served as a warning to Yugoslavia that the 5,000 U.S. Army troops in Trieste were not to be molested. USMC, III, 5.

1948-1949: China.

A platoon of Marines was sent to Nanking on November, 1948, to protect the American Embassy when the fall of the city to Communist troops was imminent. The guard was withdrawn on April 21, 1949. In November and December, Marines were sent to Shanghai to aid in the evacuation of American Nationals and to protect the 2,500 Americans in the Communist encircled city. USMC, III, 8-9.


Communist armies of North Korea invaded South Korea on June 25, 1950. Later that day the United Nations Security Council denounced the aggression, called for an immediate cease-fire, and asked member nations "to render every assistance to the United Nations in the execution of this resolution." On June 27 President
Truman announced that he had "ordered United States air and sea forces to give the Korean Government troops cover and support" and had ordered the Seventh Fleet to prevent any attack on Formosa and also to prevent the Chinese Government on Formosa from conducting any air and sea operations against the Communist mainland. The Security Council, on the same day, adopted a resolution "that the members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area."

The Department of State prepared a memorandum, on July 3, 1950, which defended the authority of the President to take the necessary action to repel the attack on Korea, using the argument that the "President, as Commander in Chief of the Armed Forces of the United States, has full control over the use thereof."

Truce talks began in July, 1951, but it was not until July, 1953, that an armistice was signed. State, 9-11.

1951-1955: Tauchen Islands (China).
From July, 1954, to February, 1955, U. S. Naval units were employed in evacuation of U. S. civilians and military personnel. Five carriers were on the scene. USN, 19713.

1956: Egypt.
On November 1 and 2, a Marine battalion evacuated over 1,000 persons, mostly U. S. nationals, from Alexandria, Egypt, during the Suez crisis. USMC, III, 34.

1957: Indonesia.
On February 14, the 3rd Marines took up station 550 miles northeast of Sumatra ready to intervene to protect U. S. nationals during the Indonesian revolt. USNC, III, 34.

1957: Taiwan.
During Communist shelling of Kinmen Island in July, naval units were dispatched to defend Taiwan. Four carriers were on the scene. USN, 19722.

1958: Venezuela.
In January, when mob violence erupted in Caracas, a company of marines embarked on board the U.S.S. Bennington and remained on station off Venezuela ready to protect American interests. USNC, III, 36.
1958: Lebanon.

In March, a Marine Company, attack squadron, and helicopter squadron were deployed with elements of the Seventh Fleet off Indonesia prepared to protect U. S. citizens and interests. USMC, III, 36.

1958: Lebanon Operation.

A period of civil unrest began in Lebanon in May, 1958, led by Muslims who reportedly were aided by the United Arab Republic's President Nasser. When a pro-Nasser coup took place in Iraq, July 14, President Chamoun of Lebanon appealed for assistance to President Eisenhower. On July 15 President Eisenhower sent 5,000 marines to Beirut to “protect American lives” and to “aid” Lebanon in preserving its political independence. The President publicly stressed the provocative Soviet as well as Cairo radio broadcasts.

Eventually, 14,000 American soldiers and marines occupied strategic areas in Lebanon, but with orders not to shoot unless shot at.

On the day of the initial landings, the United States asked the United Nations Security Council to establish an international police force to preserve Lebanon's independence, but the Soviet delegate vetoed the American resolution. Further, the Soviet Union announced that it would hold military maneuvers near the Turkish and Iranian frontiers.

On August 21, the General Assembly passed a resolution calling on the member states to respect one another’s territorial integrity and observe strict non-interference in one another’s internal affairs. The resolution requested that practical arrangements be made leading to the withdrawal of troops from Lebanon. On September 20, the United States notified the Secretary-General of the United Nations that it had been possible to withdraw a portion of the American forces and to work out a schedule to withdraw the remainder by the end of October. State, 11-12.


In the period from November 20, 1959, to February 15, 1960, the 2d Marine Ground Task Force was deployed to protect U. S. nationals during the Cuban crisis. USMC, III, 42.
1961: Show of Naval Force in Dominican Waters.

On May 30, Dominican dictator Rafael Trujillo was assassinated. Political conditions in the Dominican Republic steadily deteriorated during the summer and early autumn. Then, on November 15, General Hector Trujillo and General Jose Trujillo, brothers of the slain dictator, returned to the island. Secretary Rusk stated three days later they appeared "to be planning an attempt to resuscitate the dictatorial domination of the political and economic life of the country . . ." He added: "the United States is considering the further measures that unpredictable events might warrant."

On November 19, U.S. Navy ships took up positions three miles off the Dominican coast and Navy jet planes patrolled the shoreline. The show of force produced the desired result because the Trujillo brothers and other members of the family departed for Miami before the day was over. According to one authority, "It later transpired that the Kennedy Administration was prepared to order U.S. marines ashore if President Joaquin Balaguer had so requested or if the Trujillos had ousted Balaguer from the presidency." ERR, 449-500.

1962: Thailand.

On May 17, the 3d Marine Expeditionary Unit landed in Thailand to support that country during the threat of Communist pressure from outside. On July 1, President Kennedy ordered 1,000 Marines in Thailand to return to their ships, and on July 30, the U.S. completed the withdrawal of the 5,000 Marines sent there. USMC, III, 56-57.

1962: Cuban Naval Quarantine.

On October 24, confronted with a build-up of Soviet surface-to-surface missile bases in Cuba, President Kennedy ordered a quarantine 500 miles wide in the waters around Cuba. The blockade was aimed both at preventing delivery of additional Russian missiles and obtaining the removal of those offensive Russian weapons already in Cuba.

The crisis appears to date from Tuesday, October 16, when the Government's inner circles first began to discuss the idea of a blockade. On October 20, the First Armored Division began to move out of Texas into Georgia, and five more divisions were placed on alert. The base at Guantanamo Bay was strengthened. The Navy deployed 250 ships into the Caribbean. The Strategic Air Command was dispersed to civilian airfields and the B-52 bomber force was ordered into the air fully loaded with atomic bombs.
On October 22, President Kennedy went on television to explain before the nation the situation in Cuba and the reasons for the quarantine. The President first notified Members of Congress that same day. On Tuesday, the 23rd, the Council of the Organization of American States formally authorized by a unanimous vote "the use of armed forces" to carry out the quarantine of Cuba. Apparently, one day later the blockade went into effect.

Other notable dates include October 27, when the Defense Department announced that 24 troop-carrier squadrons of the Air Force Reserve were being recalled to active duty; October 28, when Premier Khruuschev in a message to President Kennedy, announced he had ordered the dismantling of Soviet missile bases in Cuba; November 11, when the Secretary of Defense announced the United States had counted 42 medium-range missiles being removed from Cuba on Soviet ships; and November 20, when President Kennedy announced he had ordered the lifting of the naval blockade.

On December 6, U.S. Navy planes verified that 42 Soviet jet bombers were being transported home from Cuba. The United States apparently closed the book on the Cuban crisis about this date. LNS, I, 12-25; and LNS, II, 1-18.

1963:

On May 4, a Marine battalion was positioned off the coast of Haiti for five days when trouble developed in that country. USMC, III, 61.

1964:

In August the United States sent four C-130 transport planes with approximately 100 flight and maintenance crews and para troopers to protect the aircraft while on the ground. The purpose was said to be to provide airlift for the regular Congolese troops to combat areas during a rebellion against the government of Premier Tshombe and President Kasavubu. Earlier, in July, the United States had sent 65 officers and men to Leopoldville to advise the Congolese army. Both actions followed the withdrawal on June 30 of the last of the 20,000-man force which the United Nations had placed in the Congo in order to keep the peace.

Subsequently, in November, rebels in the Stanleyville area held over a thousand foreign civilian hostages, including 60 Americans, who were subjected to many atrocities and whom the rebels threatened to kill. When negotiations between the rebels and the United States failed, the United States and Belgium arranged to land Belgian paratroopers to undertake a humanitarian rescue operation.
On November 24, the force was airdropped by U. S. transport aircraft in the Stanleyville area and liberated most of the hostages. Belgian paratroopers undertook a second rescue operation on November 25, capturing the rebel town of Paulis. In all, about 2,000 foreigners were rescued. President Johnson assumed "full responsibility" for the United States role in the decision to transport the Belgian troops in American planes. David, 296-310.


At the request of the Laotian Government, unarmed United States jet planes began flying reconnaissance missions over the Plain of Jars in May, 1964, in order to gather information on rebellious forces headed by leftist Pathet Lao. After two jets were shot down on June 6 and 7, President Johnson decided to carry out a limited reprisal. On June 9, U. S. Navy jets attacked a Communist gun position in north central Laos, and this was followed by 36 "sorties" which knocked out a number of Communist posts. The United States has continued to play a role of air support in Laos to date. State, 30.


Following the Geneva Accords of 1954 which provisionally divided Vietnam at approximately the 17th parallel, the Communists held control of the northern half of the country while anti-Communists maintained a precarious hold on the south. A U. S. Military Assistance Advisory Group, which assumed responsibility for the training of the South Vietnamese army after the French relinquished command, was steadily expanded as Communist guerrilla activity supported and directed from the north intensified. By 1962 there were 12,000 U. S. advisors.

In August, 1964, at the request of President Johnson following an attack on American naval vessels in the Gulf of Tonkin, Congress passed the Gulf of Tonkin Resolution, unanimously in the House and by a vote of 86-2 in the Senate. The Resolution expressed approval and support of "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." Also it provided the United States is "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." (South Vietnam is a protocol state of SEATO.) The joint resolution was signed into law on August 10 as Public Law 88-408.
Both this resolution and the SEATO agreement itself have been claimed as authority for United States activities in Vietnam. In addition, several appropriations laws providing for support of the hostilities in Southeast Asia have been judicially determined to represent authority for our engagement there. The Tonkin Gulf Resolution was subsequently repealed by P. L. 91-672 (Jan. 12, 1972).

Since assuming office in January, 1969, President Nixon has ordered the withdrawal of almost 550,000 troops. A peace agreement ending U.S. involvement in the war was announced on January 23, 1973. State, 12-14.

1965: Dominican Republic

A revolt broke out in the Dominican Republic on April 24, 1965, and on April 28 President Johnson announced that Dominican military authorities had requested assistance from the United States in protecting the lives of United States citizens living in that country. The President added that he had ordered the Secretary of Defense to put the necessary troops ashore to protect Americans and that this assistance would be available to the nationals of other countries as well.

The first United States military contingent to the Dominican Republic consisted of 400 men. On May 2 the President announced that he was sending 200 more men immediately and that an additional 4,500 would go at the earliest possible moment. He cited the increasing Communist control of the revolutionaries, as well as the urgent need for food, medical supplies, and other humanitarian assistance to the Dominican people, as reasons for his decision. At their peak 21,500 United States troops were in the Dominican Republic.

On May 5, a five-man OAS peace commission succeeded in achieving a cease-fire agreement among the contending forces and on May 6 the OAS voted to create an Inter-American Peace Force to assist in restoring peace and order. The arrival on May 21 of the first contingent of a Brazilian force permitted the withdrawal of 1,700 United States troops, and as other foreign contingents arrived, additional United States troops were withdrawn. By the end of 1965, the Inter-American Peace Force totaled 9,400. In the meantime, a formula to restore constitutional government, worked out by an OAS Ad Hoc Commission, made considerable progress. The inauguration of a civilian, Hector Garcia Godoy, as provisional president on September 3, 1965, was a major step toward the restoration of stability. State, 14-15.
In June of 1967, during the Arab-Israeli War, President Johnson ordered the U. S. 6th Fleet to move to within 50 miles of the Syrian Coast as a message to the Soviet Union it would have to deal with us if it entered the conflict. The action was taken as a counter move against the Soviet Union after Premier Kosygin told President Johnson over the hotline that the Soviets had reached an "independent decision" that they were prepared to take "necessary actions, including military" to stop the advance of Israeli troops into Arab territory, and would give the Israelis just five hours to unconditionally halt their operations. Star, 6-6; Johnson, 308.

In July, Lt. General Mabulu, who had now become President of the Congo, was challenged by a revolt of about 170 white mercenaries and a few hundred Katangese troops. The Congolese army numbered around 32,000, but required outside logistical support in order to crush the revolt.

Responding to a direct appeal from President Mabulu, on July 8, the United States sent three C-130 military transport aircraft to the Congo, with their crews, to provide the Central Government with "long-range logistical support." Approximately 190 American military men arrived with the planes.

The small American task force immediately began to drop several plane loads of paratroopers and their equipment and continued to fly troops until November. On July 15, the first aircraft was withdrawn; on August 4, the second; and on December, the last. LRS, III.

From April 30 to June 30, U. S. troops attacked Communist sanctuaries in order to ensure the success of the program of Vietnamization. LRS, IV, 27.
1970: Jordanian-Syrian Crisis.

On September 17, King Hussein of Jordan moved against Palestinian guerrillas in an effort to reassert the royal authority. Despite a warning by President Nixon, talking to newspaper editors in Chicago, that the U.S. might intervene if Syria or Iraq threatened King Hussein's Government, some 300 Syrian tanks crossed into Jordan during the next three days. Secretary Rogers condemned the Syrian invasion and the U.S. called on the Soviet Union to use its influence to persuade Syria to pull out.

President Nixon moved the Sixth Fleet off the Israeli-Lebanese coast and publicity was given to the dispatch of the helicopter carrier Guam with 1,500 marines to join the Sixth Fleet, to the alert of the 82d Airborne Division in Fort Bragg, N.C., and to the alert of two airborne battalions of the Eighth Infantry Division in West Germany. At the same time the Israelis began a partial mobilization and movements of tanks toward the northern part of the Jordan River Valley in position to attack the Syrian invaders. The U.S. apparently was prepared to intervene militarily, in coordination with Israel, to prevent the overthrow of King Hussein's Government and to rescue 38 American hostages known to be in the hands of Palestinian guerrillas. By September 22, Syrian tanks began withdrawing and on September 25, the crisis ended when King Hussein and Yasser Arafat, the guerrilla chief, agreed on a cease-fire.


Right military engagements which were subsequently disavowed or repudiated have been omitted from the above list of precedents. These are:

1812: Amelia Island, Spanish territory. United States disavowed General Mathews' occupation of the area when he made himself the head of a revolutionary party. State, 16.

1838: Puerto Rico, Spanish territory. Commodore Porter was later court-martialed for exceeding his powers when he forced an apology from a group of pirates who had insulted American naval officers. State, 17.
Continuation of Footnote § 2

1842: Mexico. Commodore T.A.C. Jones occupied Monterey in the mistaken belief that war had started between the United States and Mexico. He withdrew and saluted, thereby disavowing his action. State, 18.

1857: Nicaragua. An American naval commander compelled the leader of a rebel group who was trying to seize Nicaragua to leave the country. The American commander's action was tacitly disavowed by the Secretary of State and apparently repudiated by President Buchanan. State, 20.

1866: Mexico. After General Sedgwick obtained the surrender of the Mexican border town of Matamoras, he was ordered to withdraw and his act was repudiated by the President. State, 22.

Late 1880's: Bering Sea. The United States paid nearly $500,000 to Britain in damages resulting from the seizure of British sealers by United States patrol boats outside the three mile limit. U. S., 506.

1893: Hawaii. On January 16, Marines from the schooner U.S.S. Boston landed at Honolulu and were dispatched until April 1 to protect American lives and property, after the deposition of Queen Liliuokalani. The action was later disavowed by the United States. LRS, III, 53.

1912: Honduras. A small naval force landed at Puerto Cortez to protect an American-owned railroad there. Apparently Washington disapproved and the men were withdrawn in a day or two. State, 27.
SOURCES FOR COMPIATION

Acheson, D., Present at the Creation, 1967. (Cited as Acheson.)


Berdahl, C., War Powers of the Executive in the United States, 1961. (Cited as Berdahl.)

Clark, James R., "Right to Protect Citizens in Foreign Countries by Landing Forces." Memorandum of the Solicitor for the Department of State, October 5, 1912. (3rd rev. ed. with suppl. appendix up to 1933) (Not cited, but used generally as cross-check.)

Chadwick, P., The Relations of the United States and Spain, 1909. (Cited as Chadwick.)

Corwin, President: Office and Powers (3d rev. ed. 1948). (Cited as Corwin.)


Dupuy and Bauemer, The Little Wars of the United States, 1968. (Cited as Dupuy and Bauemer.)


The Evening Star, Washington, D.C. May 12, 1971. (Cited as Star.)

Hackworth, 2 Digests of Int'l. Law, 1940-1944. (Cited as Hackworth.)


Only the primary sources are cited, although in several instances the summary was prepared from a composite of information published in more than one of the sources referred to herein.


Moore, John B., 2 A Digest of Int'l. Law, 1966. (Cited as Moore.)


Paulin, Charles O., "Early Voyages of Naval Vessels to the Orient." United States Naval Institute Proceedings, V. 36-37 (1910-1911). (Cited as Paulin, USINP, 36-37.)

Richardson, J., A Compilation of the Messages and Papers of the Presidents, 1897. (Cited as Richardson.)

Rogers, James F., World Policing and the Constitution, 1945. (Cited as Rogers.)

U.S. State Department, Historical Studies Division, "Armed Actions Taken by the United States Without a Declaration of War, 1789-1967." Research Project No. 296, August, 1967. (Cited as State.)


United States Marine Corps, Historical Branch, A Chronology of the United States Marine Corps 1775-1934, 1965. (Cited as USMC I.)

United States Marine Corps, Historical Branch, A Chronology of the United States Marine Corps 1935-1946, 1965. (Cited as USMC II.)

United States Marine Corps, Historical Branch, A Chronology of the United States Marine Corps 1947-1964, 1971. (Cited as USMC III.)

United States Marine Corps Master rolls, available at Unit Diary Section, HQMC. (Cited as Master rolls.)


B. FIVE UNITED STATES MILITARY ACTIONS
ABROAD UNDER A DECLARATION OF WAR

War of 1812. (1812-1815)

On June 18, Congress approved a declaration of war against England. The war was officially concluded by the Treaty of Ghent, December 24, 1814, but the major battle of the war occurred with an American victory at New Orleans in January, 1815.

War Between the United States and Mexico. (1846-1848)

Congress declared war on May 11, 1846. The Treaty of Guadalupe Hidalgo ended the conflict on February 2, 1848.

Spanish-American War. (1898)

On April 25, 1898, the United States declared war against Spain. The peace treaty ending hostilities was signed in Paris on December 10, 1898.

World War I. (1917-1919)

The United States declared war on Germany on April 6, 1917, and against Austria on December 7, 1917. The Treaty of Versailles was signed on June 28, 1919. The treaty was never ratified by the United States.

World War II. (1941-1945)

The United States declared war on Japan December 8, 1941, and on Germany and Italy December 11, 1941. The War ended in Europe on May 8, 1945. Japan signed the formal surrender in Asia on September 2, 1945.
### C. FIFTY MAJOR MILITARY ACTIONS
### FOR BROAD STRATEGIC AIMS

<table>
<thead>
<tr>
<th>Year(s)</th>
<th>Event</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1801-1809</td>
<td>Naval War with France.</td>
<td>The U.S. sought primarily for the protection of its free commerce.</td>
</tr>
<tr>
<td>1812-1815</td>
<td>War with Tripoli.</td>
<td>The U.S. upheld its right of free commerce.</td>
</tr>
<tr>
<td>1814-1815</td>
<td>Caribbean Area.</td>
<td>The U.S. sunk or captured 65 vessels to protect American commerce.</td>
</tr>
<tr>
<td>1817</td>
<td>Second Barbary War.</td>
<td>The U.S. acted to provide effective protection to American commerce.</td>
</tr>
<tr>
<td>1841-1845</td>
<td>Mexico.</td>
<td>President Tyler deployed troops to protect Texas one year before annexation.</td>
</tr>
<tr>
<td>1846</td>
<td>Mexico.</td>
<td>President Polk ordered General Scott to occupy disputed territory between the Nueces and the Rio Grande.</td>
</tr>
<tr>
<td>1855-1858</td>
<td>Cuba.</td>
<td>American troops remained three months to preserve order.</td>
</tr>
<tr>
<td>1858-1862</td>
<td>Hawaii.</td>
<td>U.S. troops occupied the islands to forestall European intervention.</td>
</tr>
<tr>
<td>1868-1872</td>
<td>Panama.</td>
<td>Marine guards landed and remained on the Isthmus to protect construction of the Canal.</td>
</tr>
<tr>
<td>1898-1900</td>
<td>Philippines.</td>
<td>The U.S. used 126,468 troops against the Philippine Insurrection in order to preserve and test any rights it had acquired from Spain.</td>
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<tr>
<td>1900-1901</td>
<td>Boxer Rebellion (Peking).</td>
<td>The U.S. sent 5000 troops and marines to relieve foreign legations in Peking and to keep open communication between Peking and the sea.</td>
</tr>
<tr>
<td>1903-1924</td>
<td>Panama.</td>
<td>Marine guards landed and remained on the Isthmus to protect construction of the Canal.</td>
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<tr>
<td>1905-1907</td>
<td>Dominican Republic.</td>
<td>President T. Roosevelt ordered the administration of the affairs of the Dominican Republic by the U.S. in implementation of the Monroe Doctrine.</td>
</tr>
<tr>
<td>1906-1908</td>
<td>Cuba.</td>
<td>The U.S. temporarily occupied Cuba to preserve order.</td>
</tr>
<tr>
<td>1912-1913</td>
<td>Haiti.</td>
<td>U.S. troops occupied Haiti to forestall European intervention.</td>
</tr>
<tr>
<td>1915-1924</td>
<td>Dominican Republic.</td>
<td>U.S. troops occupied Santo Domingo and supported a military governor in the Dominican Republic.</td>
</tr>
</tbody>
</table>
1917: Armed Atlantic Merchant Ships. President Wilson armed American merchant vessels with guns and gunners assigned from the Navy.
1917: Cuba. Several American landings were made to preserve order.
1918-1920: Expeditions to Russia. The U.S. contributed some 14,000 men to aid the anti-Bolsheviks and to forestall Japanese expansionist plans in Siberia.
1919: Dalmatia. U.S. troops were landed in order to police foreign territory during disorder between the Italians and Serbs.
1926-1933: Nicaragua. The occupation of Nicaragua foiled the first attempt of Communism to infiltrate Latin America.
1937-1938: China. Some 2500 marines helped preserve order in Shanghai under the International Defense Scheme.
1940: Greenland. The U.S. Army occupied Greenland for the same reason as above.
1941: Iceland. U.S. troops occupied Iceland for the same reason as above.
1941: Atlantic convoys. U.S. warships were used to convoy military supplies to Britain and Russia.
1946: Trieste. President Truman reinforced U.S. troops along the Italian-Yugoslav border and dispatched naval units to the scene in order to resist the Yugoslav-Russian offensive against Trieste.
1946: Turkey. As a sign of U.S. determination to resist Soviet threats against Turkey and the Straits, President Truman sent a powerful naval force to Istanbul.
1946: Greece. During the attempted Communist takeover of Greece, U.S. naval units were sent at the request of the U.S. Ambassador.
1950-1953: Korean War. U.S. forces acted to assist the Republic of Korea in order "to restore international peace and security in the area."
1957: Taiwan. U.S. naval units were dispatched to defend Taiwan.
1958: Lebanon. A primary purpose of using U.S. armed forces in Lebanon was to assist Lebanon in preserving its political independence.
1961: Dominican Waters. U.S. Navy ships took up positions three miles off the Dominican coast and Navy jet planes patrolled the shoreline to prevent a revolution in the Dominican Republic.
1962: Thailand. Some 5000 marines landed to support Thailand during a threat of external Communist aggression.
1962: Cuban Naval Quarantine. President Kennedy ordered a naval quarantine of Cuba to prevent delivery of additional Russian missiles and to obtain the removal of those already in Cuba.
1963: Haiti. A marine battalion was positioned off Haiti when trouble developed there.
1964: Congo. A task force of four U.S. C-130 transport planes with parasniper guards was sent to the Congo to provide airlift for the regular Congolese troops against a Communist-assisted rebellion.

1964-1965: Laos. The United States has supported the free government of Laos, particularly with air missions.

1965: Dominican Republic. The threat of a Communist takeover and the need to provide humanitarian assistance to the Dominican people were major reasons for the American landings.

1967: Syrian Coast. During the Arab-Israeli war, the U. S. 6th Fleet moved to within 50 miles off the Syrian Coast as a sign to the Soviet Union it "would have to deal with us" if it entered the conflict.

1967: Congo. A task force of three U. S. C-130 transports and 150 men ferried Congolese paratroopers in order to crush a revolt against Mobutu's government.

1970: Cambodia. U. S. troops were ordered into Cambodia to assist the program of Vietnamization.

1970: President Nixon augmented and moved the Sixth Fleet off the Israeli-Lebanese coast in preparation to halt, if necessary, the Syrian invasion of Jordan and to rescue 38 American hostages.
D. HOSTILITIES WITH ACTUAL CONTACT OR ULTIMATUMS

1793-1800: Quasi-war with France
1800: West Indies
1802-1805: War with Tripoli
1805: Mexico
1810-1811: Gulf of Mexico
1814-1815: Caribbean area
1815: Second Berbary War
1816-1818: Spanish Florida
1817: Amelia Island (Spanish Territory)
1820: West Africa
1820-1822: West Coast of South America
1822: Cuba
1823: Cuba
1825: Cuban Keys
1827: Greece
1828: West Indies
1830: Haiti
1831-1832: Falkland Islands (Argentina)
1832: Sumatra
1835: Samoan Islands
1837: Mexico
1840: Fiji Islands
1841: Drummond Islands (Pacific Ocean)
1841: Samoan Islands
1843: West Africa
1843: African coast
1846: Mexico
1850: African coast
1851: Turkey (Apparently no shots fired, but the force displayed amounted to a compulsory ultimatum)
1851: Johanna Island (East of Africa)
1853: China
1853: West Coast of Africa
1853: Siam
1853-1854: Japan (Commodore Perry's expedition including 10 ships and 2000 men conveyed an imminent threat of using force.)
1854: China
1854: Greytown, Nicaragua
1854: West Coast of Africa
1854: Okinawa
1855: China
1855: Fiji Islands
1855: Ur guay
1856: China
1858: Fiji Islands
1858: African coast
1859: African coast
1859: Paraguay (The naval display of force amounted to compulsion.)
1862: Japan
1864: Japan
1865-1866: Mexican border (General Sheridan and 50,000 American troops backed up the demand of Secretary of State Seward that French forces leave Mexico.)
1867: Formosa
1867: Nicaragua
1870: Mexico
1871: Korea
1888: Hiski (American Commander issued an ultimatum threatening force if necessary.)
1888-1889: Samoan Islands (Three powers had warships on the scene during an intense rivalry over claims in the islands. War was close when a hurricane destroyed German and American vessels.)
1890: Brazil
1899: Samoan Islands
1900-1901: Boxer Rebellion (China)
1909-1910: Philippine Insurrection
1910: Nicaragua (Armed combat was "hourly expected.")
1911: Honduras (The American Commander expressly threatened to use force if necessary.)
1911: Dominican Republic
1914: Occupation of Vera Cruz, Mexico
1914: Haiti
1916: Dominican Republic
1916-1917: Pershing Expedition into Mexico
1917: Armed Atlantic merchant ships
1918-1919: Mexico
1918-1920: Expeditions to Russia
1920-1923: Nicaraguan occupation
1927-1928: Armed actions in China
1941: Atlantic convoys
1946: Trieste
1948: Palestine
1950-1953: Korean War
1962: Cuban naval quarantine
1964-1973: Armed actions in Laos
1968: Dominican Republic
1969-1973: Vietnam War
1971: Syrian coast
1974: Cambodia
### Military Actions Lasting More Than Thirty Days

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<td>War with Tripoli</td>
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<td>1813-1814</td>
<td>War with Tripoli (South Pacific)</td>
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<td>1898-1902</td>
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<td>1914-1925</td>
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<td>Exploitations to Russia</td>
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<td>1972-1973</td>
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<tr>
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<td>African coast</td>
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<td>1875-1879</td>
<td>Samoan Islands</td>
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<td>1880-1889</td>
<td>Samoan Islands</td>
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1Indicates operation occurred under Act of 1819 or Treaty of August 6, 1842, with Great Britain, both relative to the suppression of slavery.
2Indicates military activity may have occurred pursuant to broad interpretation of authority conferred by certain Acts of Congress against piracy. See ch. 3, 1819 (3 Stat. 510), Act of January 14, 1823 (3 Stat. 740), and August 5, 1841 (4 Stat. 374).
<table>
<thead>
<tr>
<th>Year</th>
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<td>1911</td>
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<td>Philippine Islands</td>
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<td>China</td>
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<td>1922</td>
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<td>1923</td>
<td>Vera Cruz, Mexico</td>
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<td>1924</td>
<td>Pershing Expedition into Mexico</td>
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<td>China</td>
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<td>1938</td>
<td>Korea War</td>
<td>X (U.N. Charter)</td>
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<td>1939</td>
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<td>1942</td>
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<td>1943</td>
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<td>1944-1945</td>
<td>Korea</td>
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<td>1946</td>
<td>Laos</td>
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<td>1947</td>
<td>Cambodia</td>
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3. Though reliance was also placed on the U.N. Charter, the Truman Administration based its authority to commit troops squarely on the President’s independent constitutional authority. Rogers' discussion supra, footnote 55, at 577.

4. In fact President Eisenhower sent troops into Lebanon without seeking specific Congressional approval and without specifically basing his authority on the 1957 Middle East Resolution. Rogers, supra, footnote 53.

5. According to Secretary of State Rogers, “the Cuban Resolution, unlike the other area resolutions contained no grant of authority to the President.”
STATEMENT OF HON. FRANK HORTON OF NEW YORK

Mr. Chairman, I am grateful for the opportunity to address this subcommittee on the crucial question of war powers legislation. As you know, Mr. Chairman, I sponsored legislation in the last Congress which was very similar to the Javits-Eagleton-Stennis war powers bill passed by the Senate. The major difference between my bill and the Senate bill is that I propose the creation of a new joint committee. As a result, my legislation is again pending before our Rules Committee even though its basic thrust is appropriately under this subcommittee’s purview.

I should begin by commending this subcommittee for promptly returning to the question of war powers after the failure last year to gain House and Senate agreement on a single bill. I must also voice my hope that this subcommittee will report out a bill that is significantly stronger than those previously sent to the House floor. The subcommittee has numerous measures before it that would accomplish that goal.

In the war powers area, as in others, there is a compelling need for Congress to redress an imbalance of power. I say imbalance because the President not only wields virtually unilateral power to defend our Nation, but also to involve us in future Vietnams. For that reason, many of my colleagues and I are seeking ways to govern the commitment of Armed Forces “in the absence of a declaration of war by the Congress.”

While the framers of the Constitution did not envision an era of undeclared warfare, they had much to say about war powers. Article I, section 8 of the Constitution enumerates the comprehensive war powers of Congress as follows:

Provide for the common defense.
To define and punish * * * offenses against the law of nations.
To declare war.
To raise and support armies.
To make rules for the government and regulation of the land and naval forces.
To provide for calling forth the militia to execute the laws * * * and repel invasions.
To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States.

In contrast to this specific enumeration, the war powers actually granted the President are far less clear. Article II, section 1 states:

The executive power shall be vested in a president of the United States of America.

Article II, section 2 goes on to state without further elaboration:

The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States.

1 Membership of the proposed joint committee appears at end of statement on p. 379.
I have taken the time to compare these constitutional authorities because some critics of strong war powers legislation have argued that my bill and others tread on the President’s power as Commander in Chief. Senator Jacob Javits addressed the relationship of the Congress’ war powers to the President’s function as Commander in Chief in an article he prepared for the New England Law Review. His remarks are worth noting:

Clearly, the drafters of the Constitution had the experience of the Continental Congress with George Washington in mind when they designated the President as “Commander in Chief” in article II, section 2. Thus, the “legislative history” of the constitutional concept of a Commander in Chief was the relationship of George Washington as colonial Commander in Chief to the Continental Congress.

That relationship is clearly defined in the Commission as Commander in Chief which was given to Washington on June 19, 1775, and which was formally returned by him to the Continental Congress on December 23, 1783. I would like to quote the final clause of this Commission, because it establishes the relationship of the Congress to the Commander in Chief in unmistakable terms:

> "And you are to regulate your conduct in every respect by the rules and discipline of war (as herewith given you) and punctually to observe and follow such orders and directions from time to time as you shall receive from this or a future Congress of the said United Colonies or a committee of Congress for that purpose appointed."

Mr. Chairman, I do not believe that an examination of the Constitution—and its historical underpinnings—leaves much room for doubt about the intentions of our Founding Fathers. The basic premise of the Constitution, with its deliberate system of separation of powers and checks and balances, is that national decisions are the collective work of the people’s representatives in Congress and of the President. By enumerating the war powers of Congress so extensively, the framers of the Constitution were intent on assuring the Congress a concurring role in any commitment of the Nation to war.

The problem, of course, is undeclared wars which circumvent the constitutional process of congressional concurrence. My bill, I believe, would return the role of Congress to its proper and contemporary perspective. Under its provisions, the President may act immediately to meet an emergency situation, without waiting for congressional action. He would be required, however, to withdraw U.S. troops within 30 days if Congress had not authorized continuation of the action within that time. My proposal gives the President the latitude and flexibility he needs as Commander in Chief to respond to any crisis. At the same time, it would bring Congress back into the decisionmaking process, a role also dictated by the Constitution. Should the Congress terminate Presidential authority to continue military hostilities, he is given enough flexibility to withdraw our troops safely.

Mr. Chairman, I am not one who is charging that Presidents have usurped congressional warmaking powers. On the contrary, I blame the Congress for not developing a viable procedure whereby we can share in decisions to engage U.S. troops abroad which fall short of declared warfare. For this reason, my bill, unlike other war powers bills, focuses directly on the actual mechanics of congressional responsibility in warmaking decisions by creating a Joint Committee on National Security. This joint committee would bring together the leadership and authoritative Members of Congress in foreign and military affairs. A listing of the 24 members I propose is contained in
an appendix to this statement. The President, at his option, could consult with the joint committee prior to taking a military action which requires congressional ratification. But he must consult with it within 24 hours after taking such action. The joint committee would serve as a liaison between the White House and the Capitol throughout deliberations on the President's action. In short, we will not only be requiring the President to consult the Congress but we will be designating with whom he must consult. I do not envision the joint committee functioning only in times of emergency. Rather, it should perform an ongoing role of consultation and dialog between congressional leaders and the executive branch officials responsible for military affairs. While the joint committee would have no legislative powers and thus would not interfere with the jurisdiction of established House and Senate committees, it would serve as a congressionally designated liaison between Congress and the President on national security matters.

In closing, Mr. Chairman, I would like to touch upon one further point. As you know, many of us who have sponsored war powers legislation so drafted our bills that they would not apply retroactively to the Vietnam war. My bill and the Javits bill, for example, state that the act shall not apply to hostilities in which the Armed Forces of the United States are involved on the date of enactment. However, with the total withdrawal of American forces from hostilities in North and South Vietnam, I believe the provisions of my bill would be applicable to any possible resurgence of that conflict. In addition, I believe that the War Powers Act should apply to the reintroduction of forces throughout Indochina if, by its enactment, there is an effective cease-fire throughout Indochina. I am concerned that unless Congress clearly defines its intentions along these lines, the result will be another battle of interpretation between the Congress and the Executive. Should this subcommittee act favorably on a strong war powers measure, I urge that these potential problems be dealt with as specifically as possible.

MEMBERSHIP OF THE PROPOSED JOINT COMMITTEE ON NATIONAL SECURITY

Chairman: The Speaker of the House.
Vice-Chairman: The President pro tempore of the Senate.
The Chairman and ranking minority member of each of the following committees: Senate Foreign Relations Committee, Senate Armed Services Committee, Senate Judiciary Committee, House Foreign Affairs Committee, House Armed Services Committee, House Judiciary Committee, and Joint Committee on Atomic Energy.
One Member of the House who is not a member of any of the aforementioned Committees to be appointed by the Speaker of the House.
One Member of the Senate who is not a member of any of the aforementioned Committees to be appointed by the President pro tempore of the Senate.
One Member of the House who is not a member of any of the aforementioned Committees to be appointed by the Minority Leader of the House.
One Member of the Senate who is not a member of any of the aforementioned Committees to be appointed by the Minority Leader of the Senate.

1 Rotating chairmanship.
STATEMENT OF HON. ROMANO L. MAZZOLI OF KENTUCKY

Chairman Zablocki, I wish to commend you and your fellow subcommittee members for your prompt and timely consideration of this most vital legislative issue.

I feel quite strongly that there is no question more important to our long-term national security than the clarification of the limited powers of the President to make war without the express consent of Congress.

Accordingly, I wish you Godspeed in your deliberations, and submit for your hearing record the following newspaper article, which I wrote last month describing my views on this subject.

[The article follows:]

Bi-Weekly Column No. 3—By Romano L. Mazzoli, U.S. Congressman, Third District, Kentucky

At long last, America is disengaging from the longest and, in many respects, most costly war in our nation's history.

As our last troops are withdrawn and our prisoners reunited with their families, it will be tempting to dismiss the sordid memories of the Vietnam War from our minds.

But for us in Congress, the crucial moment is at hand. We must face up to the lessons the Vietnam conflict has taught us.

Perhaps, the most important of these lessons is one that our founding fathers foresaw 200 years ago when they drafted the Constitution.

The Constitution makes it clear that the collective judgment of the elected members of the Congress is the necessary buttress of any decision to commit our country to war.

The Constitution states that it is the Congress which shall have the powers to "declare war," "to provide for the common defense," "to raise and support Armies," "to maintain a Navy," and "to make rules for the government and regulation of the land and naval forces."

In the years since World War II, the Constitutional war powers of the Congress have atrophied, while the Presidential powers have expanded.

In 1950, President Truman committed our armed forces to Korea without Congressional authorization. During the 1960s, our nation drifted into full-scale war in Vietnam, largely as the result of Presidential initiatives.

The President, of course, is designated by the Constitution as Commander in Chief of the nation's armed forces. As such, the President must certainly retain full powers to act swiftly in emergency situations.

No sensible legislator would seek, in any way, to hamper the President in repelling an armed attack upon the United States or in taking appropriate action when such an attack is threatened.

Similarly, the Commander in Chief must be capable of fully protecting United States troops and American citizens located in foreign lands.

But, within this practical and Constitutional framework, the Congress must play a role in making those life and death decisions. So, legislation has been introduced describing the "War Powers" of the Congress.

None of the various "War Powers" bills would, in any way, prevent the President from taking prompt action in the defense of our national interests.

However, these bills would require the President—after committing U.S. forces to battle—to inform Congress of his reasons for taking such action.

If, in the judgment of the Congress, it is not in the best interest of the United States to continue the hostilities, the President would be required to disengage our forces in an orderly and prudent way.

(380)
Opinion differs on the time period within which the President must present his case to the Congress. One proposal would set the time limit at 30 days. Another 60 days. Still another sets varying periods depending upon whether the troops deployed are draftees or volunteers.

These are details which must be—and will be—carefully studied and debated before a bill is submitted for a vote.

But, I believe that a consideration of "War Powers" legislation is appropriate and necessary now—while the lessons of Vietnam remain fresh in mind.

We must clearly delineate the division of war-making powers between the Executive and the Congress. Only in this way will the collective judgment, envisioned by our founding fathers, once again control the awesome decisions of war and peace.
STATEMENT OF HON. ALBERT H. QUIE OF MINNESOTA

Mr. Chairman, all of us are extremely pleased that the Vietnam conflict has been brought to a close and sincerely hope that the cease-fire agreements will hold and that a stable political order will be developed in Southeast Asia.

This war has made it abundantly clear that the warmaking powers of the President must be clarified and that the role of the Congress must be expanded to deal with any future situation which may develop along this line.

The first issue concerning initial commitment is, what authority does the President have, acting as Commander in Chief, to commit the Armed Forces to combat abroad.

Constitutional practice in the 18th and 19th centuries supported a Presidential role in the commitment of troops to hostilities abroad, but only in a minor way. Though there were a large number of exercises of Presidential authority, most were relatively minor actions for the protection of nationals, actions directed at pirates, or reprisals for alleged breach of international law.

As America's position of relative isolation began to change at the end of the 19th century, the Presidents began to assume an increasingly powerful role. Twentieth century instances of Presidential commitment of the Armed Forces to combat abroad include President McKinley's commitment of several thousand troops to the international army which rescued western nationals during the Boxer Rebellion, President Wilson's arming of American merchant men with instructions to fire on sight after Germany's resumption of unrestricted warfare in 1917, President Franklin Roosevelt's Atlantic war against the Axis prior to the U.S. entry into World War II, President Truman's commitment of a quarter of a million American men to the Korean war, President Eisenhower's landing of the marines in Lebanon and his involvement of the U.S. fleet in the straits of Taiwan, President Kennedy's use of American naval and air forces in the Cuban Missile Crisis, and President Johnson's commitment of marines to the Dominican Republic.

Therefore, history has demonstrated that there are situations in which military forces must be deployed in the absence of a declaration of war.

These cases rise in circumstances which require combat actions but which are in contemporary conditions—undesirable to enact a declaration of war.

Moreover, it has long been recognized that there are conditions in which there is not enough time, or room of movement for a congressional declaration of war before military hostilities must be undertaken.

Therefore, the heart of the problem concerns the power of the President to initiate and maintain hostilities by the use of Armed Forces in the absence of a declaration of war.
It is of profound distress to many that the role of the Congress in foreign relations in the last 10 years has greatly declined as Congress has not assumed the leadership role in many crisis situations. The courts, though never ruling directly on the power of the President to involve the Nation in situations abroad likely to result in war, limited or otherwise, seemingly have "served more to enlarge the Presidential prerogative over foreign affairs than to restrain it. For example, in Martin v. Mott the Supreme Court concluded that the President was empowered to act not only in cases of actual invasion, but also "When there was imminent danger of invasion" and "imminent danger" was held to be a fact to be determined by the President.

The President enjoys certain discretionary authority; but it is the discretionary authority of an executive. He conducts the foreign policy of the country, while the Congress passes resolutions and ratifies treaties relative to that policy. The President, however, does not possess the authority to declare war. This is a power which the Constitution granted to the Congress under our system of checks and balances.

In article I, section 8 of the Constitution the Congress is given authority to:

- Raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years.
- Provide for the common defense.
- To declare war, grant letters of marque and reprisal, and to make rules concerning captures on land and water.

I believe that this authority implies that Congress also has the authority to prohibit Presidential commitment of regular combat units to sustain hostilities abroad if war has not been declared.

But when congressional authorization is necessary, what form should it take? Though the Constitution speaks of congressional power "to declare war," constitutional scholars are in agreement that congressional authorization does not require a formal declaration of war. The purpose of the provision is to insure congressional consideration and authorization of decisions to commit the United States to major hostilities abroad. It would both elevate form over substance and unduly restrict congressional flexibility to require a formal declaration of war as the only method of congressional authorization.

Though reasons supporting executive authority are still relevant to such decisions, the profound effects for international relations and the grave risk of escalation and unnecessary suffering suggest a strong congressional competence in such decisions.

Abraham Lincoln, while in Congress once said:

Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such a purpose, and you allow him to make war at his pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much power as you propose.

He went on to say that:

Kings have always been involving and impoverishing their people in wars, pretending, generally, if not always that the good of the people was the object. This our (constitutional) convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution so that no one man should hold the power of bringing oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood.
The Congress has done very little to adapt its declaration of war power, or its other constitutionally specified war powers to deal with the situations which have evolved from historical experiences. It has reached the point where any effort simply to check the expansion of Presidential power is regarded by some defenders of the Presidency as an encroachment on the office of the President. Many advocates of Presidential prerogative in the field of war and foreign policy seem at times to be arguing that the President's powers as Commander in Chief are what the President alone defines them to be.

What is needed is new legislation which will define the rules and procedures to be followed in circumstances where military hostilities may be initiated by the Commander in Chief in the absence of a declaration of war. This bill will not affect the war in Vietnam, but instead will permit the Congress to decide how it should be involved in policy formation before any similar military hostility again arises.

I believe that H.R. 926 will help to meet this need. In essence, the President's control over decisions to use force abroad is a perfectly natural and explicit development, but it is not one which has been required by national self-interest. This is not to say that the President should surrender his power over the day-to-day conduct of foreign relations or relinquish his role as a forceful external leader. It is to say that Congress should have a voice in shaping foreign policies and a decisive voice on whether the United States will initiate the use of force abroad.

I believe H.R. 926 will accomplish this. The constitutional right of the Congress to pass this bill is stated in its specific war powers in article 1, section 8, including the power to declare war. Congress has the authority and the precedents for asserting its powers to declare war which must include the power to end war. Because the Congress has not asserted itself in the past in Armed Forces involvement in military hostilities in the absence of a declaration of war, it has fallen upon the Commander in Chief to exercise his executive discretion on an ad hoc, case-by-case basis.

My bill gives full allowances to the President in his executive capacity as Commander in Chief. But most important, this bill asserts congressional responsibility related to declaring war as stated by the Constitution and as expected and demanded by the Nation. Under my bill Congress would specify the four classic cases in which the President, for a limited amount of time may use the Armed Forces in military hostilities in the absence of a declaration of war.

First, to repulse a sudden attack against the United States, its territories, and possessions;

Second, to repulse an attack against the Armed Forces of the United States on the high seas or lawfully stationed on foreign territory;

Third, to protect the lives and property, as may be required of U.S. nationals abroad.

Fourth, to comply with a national commitment affirmatively undertaken by Congress and the President.

Under H.R. 926 even the 30-day period may be shortened by joint resolution of Congress. Also, the bill contains provisions enabling action to take place in Congress within 30 days.
The danger of extended debate or filibuster is precluded under the terms of the bill because the bill or joint resolution either terminating or extending the military hostilities, after being cosponsored by one-third of the membership in either House, would be considered reported to the floor no later than 1 day following its introduction.

It would be possible, however, for the members to determine by a yea-or-nay vote that the committee would take longer than 1 day in its consideration of the bill or joint resolution.

Any bill or joint resolution reported would become the pending business and would be voted on within 3 days after such reporting. Similar provisions would cover consideration by the other House of Congress so as to assure expeditious consideration.

The bill or resolution for the extension of hostilities could conceivably contain a limitation on the time period for continued actions. The bill provides that such military hostilities, in the absence of a declaration of war, may not be sustained beyond 30 days from the day they were initiated, "unless affirmative legislative action is taken by the Congress to sustain such action beyond 30 days."

Under my bill, the Congress would not have to be committed initially to any action which the President might take. After 30 days there would be no authority for the Commander in Chief to persist unless the Congress decided that it wanted him to do so.

The present high state of Presidential prerogative has evolved naturally out of a set of historical and institutional factors which enabled the President to respond to contemporary pressures more easily than Congress. If Congress has the will, however, it too can meet the demands of modern foreign policymaking. While certain changes in institutional structure will be necessary, the critical factor will be the development of a congressional willingness to act quickly and wisely on vital issues and to use its existing power to make its influence felt.
Mr. Chairman, members of the subcommittee, although the peace treaty for the Vietnam War has been signed, debate still continues in the Congress over the respective war-making powers of the executive and legislative branches of Government. Numerous bills have been introduced which seek to clarify the role of the Congress and the President in the event of military hostilities in the absence of a declared war. I commend the subcommittee for holding these hearings, and I thank you for providing me with this opportunity to submit my views on the authority of the President to intervene abroad or to make war without the express consent of the Congress.

Since the beginning of this century—and most dramatically since World War II—the decision to involve American forces in hostilities abroad has been concentrated increasingly in the executive branch of Government. Under the past six Presidents, it has become more common for the executive branch to commit Armed Forces of the United States to foreign lands without congressional approval. Korea and Vietnam, of course, stand out as the primary examples, but other examples, from the Congo to the Dominican Republic, may also be cited as cases in which the President has initiated action without the approval of Congress. Often the situations have been such that the President deemed that immediate action was necessary. However, such crises severely limit the constitutional requirement that the President come before the Congress and ask for a declaration of war.

The Constitution assigns to the President the role of Commander in Chief. To the Congress, on the other hand, the Constitution gives the power to declare war, to raise and support armies, and navies, and “to make rules for the Government and regulation of the land and naval forces.” The constitutional role of the Congress to declare war has given way to the maintenance of a military posture at all times ready for war. This, in no way, diminishes the Congress’ obligation under the Constitution to play an important part in determining when this Nation should involve its Armed Forces in hostilities. It is clear to me that we must reassert our responsibilities.

Vietnam has certainly taught us that we cannot involve ourselves in future hostilities without the full support and backing of the American people. I know all of us will agree that one of the greatest sources of alienation in our country—especially among young people—has been the war in Vietnam. No one in this country will ever want to be involved in another war like Vietnam. We have paid a terribly high price—nearly 56,000 killed; and untold billions of American dollars spent. Henceforth, war must be the result of a collective decision by the President and Congress, and not an undefined involvement which grows and grows until the entire fiber of our Nation is torn.
It is for precisely this reason that I have sponsored legislation to define rules for action by the President in the absence of a declaration of war by the Congress. Briefly stated, the legislation authorizes the President to act to repel attacks against the United States, or its Armed Forces lawfully stationed on foreign territory, and to protect the lives and property of U.S. nationals living abroad, as well as to fulfill treaty obligations. However, the rules would provide that military hostilities initiated under such authority could not be sustained beyond 30 days unless specifically authorized by the Congress. As such, this legislation will enable the Congress to reassert its constitutional prerogatives and establish firm guidelines to be followed if future hostilities should occur.

In 1971, Secretary of State Rogers stated that war powers legislation should be considered “after the passions of Vietnam have faded into the past.” Though it will be years before that occurs, it seems clear to me that now is the time for the Congress to act on such legislation.

I commend the subcommittee for its consideration of the various war power bills which have already been introduced in the 93d Congress. I am convinced it is imperative that a firm agreement on constitutional roles of the executive and legislative branches of our Government be reached in this Congress. Without it, the cooperation which is essential for our national security will not be realized.

Thank you.
STATEMENT OF HON. ROBERT O. TIERNAN OF RHODE ISLAND

Mr. Chairman, I appreciate this opportunity to testify before your subcommittee on behalf of war powers legislation, an issue which I feel is as important now as it was in February of 1971, when I first introduced the "War Powers Act."

My bill, H.R. 2740, states that in the absence of a declaration of war, the President, as Commander in Chief of the Armed Forces, may act (1) to repel a sudden attack against the United States, its territories, and possessions; (2) to repel an attack against our Armed Forces on the high seas or lawfully stationed on foreign territory; (3) as may be required, to protect the lives and property of U.S. nationals abroad; and (4) to comply with a national commitment resulting exclusively from affirmative action taken by the executive and legislative branches of the U.S. Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment, where immediate military hostilities by our Armed Forces are required.

Here we come to the important part of my bill. The President may not sustain these military hostilities beyond 30 days without explicit approval by the Congress. In addition, the Congress may terminate these hostilities before the 30-day period is over.

Mr. Chairman, the need for this type of legislation is unquestionable. Today we face a constitutional crisis unparalleled in our history. The past 20 years have seen a growing willingness by our Presidents to disregard the Congress in involving American Armed Forces in "undeclared" conflicts. Thus, the President has been the one to decide when our troops will be used, where they will he sent and how large the conflict will be. The Congress has been disregarded completely. We have been delegated to the role of putting up or shutting up. Surely if we are to "preserve, protect, and defend the Constitution of the United States" then we must act and we must act now.

The intent of our Founding Fathers is clear. Article I, section 8 of the Constitution specifically gives to the Congress the power to declare war and make rules for the Government and the regulation of our Armed Forces. The writings of Jefferson, Madison, Monroe, and others, all make it perfectly clear that no war-making power is given to the President. Lincoln reiterated this when he said:

"Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such purpose, and you allow him to make war at pleasure".

So why now do our Presidents commit us to war without congressional approval? Indeed, what has happened to the Constitution? I would like to briefly state what I feel has happened and how we can return to true democratic rule as envisioned by our forefathers.

In the entire history of our Nation, Congress has declared war five times. Four times we authorized direct military operations. More than 125 military operations were carried on with no direct
authorization by Congress. Most of these, obviously, were of a very limited nature. Recently, however, this has not been the case. In the past decade alone, Presidents have intervened five times in foreign nations with American Armed Forces and without prior congressional consent: The Bay of Pigs, the invasion of the Dominican Republic, and the attacks on North Vietnam, Cambodia and Laos. Can any of us say that these constituted genuine emergencies? Did any justify bypassing Congress because they were an immediate threat to the United States?

This use of excessive war powers by the President has risen partly from the cold war and the nuclear age; partly by congressional acquiescence, inertia and indifference; partly by Presidential assumption, and partly by the positive delegation of Congress. Four examples of Congress readily giving up a great deal of its constitutional jurisdiction come to mind: the Formosa Resolution of 1955, the Middle East Resolution of 1955, the Middle East Resolution of 1957, the Cuban Resolution of 1962, and the Gulf of Tonkin Resolution of 1964.

As for the emergence of the nuclear age, it is for this very reason that we must not leave the war making powers with one man, for the results are too devastating. No one man should be allowed to decide whether or not an entire nation will be destroyed, which may in return destroy us. On the other hand, with the threat of nuclear holocaust hanging over our heads, it is likely that in the future we will see a continuation or possibly an acceleration of guerrilla wars. One of our greatest challenges is never again to allow a single man to commit our lives, our resources and our money to future Vietnams in Asia, Africa or Latin America.

Certainly the changed conditions in this world mean that Presidential power must be enlarged to meet altered circumstances. But only to a point. Once beyond that point, the emergence of a totalitarian system is made almost inevitable. In the past few years, we have found ourselves closer to this point than many of us would like to admit. For this reason more than any other, we must enact into the law the War Powers Act this year.

Now let us look for a moment at Congress allowing and the President assuming these excessive powers. Congress must bear a great deal of the burden. Where were our voices when President Truman committed Armed Forces to Korea in 1950 without congressional authorization? Where were our voices in 1969 when President Nixon stated: "And, although reasonable men may differ as to the circumstances in which he should do so, the President has the constitutional power to send U.S. military forces abroad without specific congressional approval."

We in Congress do not seek to reclaim our right to declare war because we are any wiser than the President. We do so first and foremost because the future of our democratic form of government, as envisioned by our Founding Fathers and established by the Constitution, is at stake. Secondly, it is my belief that Congress would use this authority more sparingly than the President, as one man, would. For war is the most crucial issue anyone can deal with, and it should not and cannot be easy to initiate.
Open debate by the Congress may bring up risks otherwise overlooked or alternative courses never considered. It substitutes the experience of many voices for that of one at a time when no objection is too small. And it may well serve to secure the consent of our citizenry, certainly a vital factor as the Vietnam war has so painfully proved. The President reaches his decision to go to war through private processes, inaccessible to the individual citizen. Congress provides that accessibility. Without the moral sanction of the American people, the consequences of war are no less destructive here in our own country than where the bombs are falling. Only by returning to the dictates of the Constitution can we guarantee that we will never again go to war without the support of our citizens.

Mr. Chairman, those who oppose the War Powers Act do so basically for three reasons: (1) historical precedents of past Presidents acting without congressional approval; (2) only the President has all the facts; and (3) the President has at his command all the experts in the executive branch.

If I may, I would like to briefly refute each of these arguments. First of all, precedents of past Presidents have never been binding. They are meant to serve as guides and that is all. And certainly we can ask here, because one President usurps the war-making power from Congress, is it automatically constitutional and right for others to do so? With each usurpation, the intent of our Founding Fathers to maintain a balance of power grows weaker and weaker. Let me quote our first President:

If in the opinion of the People, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

The other two arguments against the War Powers Act stem not from what is customary or what must be, but from almost paranoid public officials. The whole issue of the Pentagon Papers is raised, an issue which is too complex to get into here. But questions can be raised. Must these facts all be kept secret? Is our national security truly at stake? And why should President Nixon be allowed to dictate who can and who cannot testify before Congress? Certainly the President has the right to private counsel. But when that counsel becomes the policy of this Nation, Congress has the need and the right to know.

If the President is allowed to maintain complete control of the war-making machinery we are in serious danger of him obtaining complete control in other essential areas of our national life. Tocqueville put it this way: “War breeds dictatorship”. Certainly if our Founding Fathers made one thing clear, it is that they truly feared an unchecked appetite for power.

The blatant truth is that we have strayed dangerously far from the political system our forefathers envisioned. Madison said:

There can be no liberty where the legislative and executive powers are united in the same person or body of magistrates.

To this we can add, there can be no liberty if either the legislative or the executive branch acts to the exclusion of the other.

Mr. Chairman, there is no more important legislation at this time in our history than the War Powers Act. For what we are dealing with is the heart of the Constitution and the heart of our democracy, I urge your committee to act expeditiously.
Mr. Chairman, I appreciate the opportunity to submit testimony on my bill, H.R. 1454, dealing with war powers. The hearings on this issue are most timely in view of the growing controversy on Federal balance between Congress and the President. I firmly believe that Congress must enact meaningful and effective legislation in this area.

My bill, H.R. 1454, is identical to the bill passed by the Senate in April 1972. The general purpose of the bill is to make rules governing the use of U.S. Armed Forces in hostilities in the absence of a declaration of war by Congress. The fact that the Nation has been bogged down for so many years in the futile quagmire of Vietnam highlights the need for this legislation. This bill attempts to reflect the intent of the framers of the Constitution by insuring that the collective judgment of both the Congress and the President applies to the commitment of Armed Forces in hostilities.

The authority for this legislation derives from article I, section 8 of the U.S. Constitution—“Congress shall have the power to make all laws necessary and proper for carrying into execution the foregoing powers and all other powers vested by the constitution in the government of the United States, or in any department or officer thereof.” The bill is not intended to encroach upon the recognized powers of the President as Commander in Chief and Chief Executive to conduct hostilities authorized by Congress, to respond to attacks or imminent threat of attacks, and, under proper circumstances, to rescue endangered U.S. citizens located in foreign countries.

Central to the bill is a requirement that the President seek congressional approval to maintain our Armed Forces in hostile action after 30 days. If Congress does not approve, the President must withdraw our forces. In my judgment, such legislation is needed to fill a very large void that permits dangerous executive latitude.

This legislation does not impair the President’s flexibility to meet emergency situations, but will prevent the Nation from being sucked in to a long term, undeclared war like Vietnam. This is a reassertion of the responsibility of Congress. We simply must not allow a President to wage war, declared or undeclared, without asserting the will of the people through the Congress.

Thank you for the opportunity to place this statement before you today.
STATEMENT OF HON. CHARLES H. WILSON OF CALIFORNIA

I would like to begin by thanking this distinguished subcommittee for holding these hearings on this very important legislation to define the authority of the President to intervene or to make war abroad without the consent of Congress.

As the Representative of the people of the 31st District in California, I have been aware, through the mail received by my office and through the many talks I have had with constituents that overwhelmingly our citizens feel that Congress has proved ineffective in dealing in a positive way with the war in Vietnam. Additionally, as a member of the House Armed Services Committee, I have wrestled at great length with the question of how best to assure no more Vietnams. Anytime, anywhere.

After much consideration and study, earlier this year I introduced H.R. 3333, the War Powers Act, to require majority approval by Congress before the United States commits military or civilian assistance to another country. Of course, my legislation would not infringe on those emergency powers of the President which are necessary to secure an adequate defense of this great country.

I quote from my bill:

The central core of the War Powers Act is contained in sections 3 and 5 of the bill. Section 3 consists of four clauses which define the conditions of circumstances under which, in the absence of a congressional declaration of war, the Armed Forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances."

The first three categories are codifications of the emergency powers of the President, as intended by the Founding Fathers and as confirmed by subsequent historical practice and judicial precedent. Thus, subsections (1), (2), and (3) of section 3 delineate by statute the implied power of the President in his concurrent role as Commander in Chief.

Subsection (4) of section 3 is perhaps the most significant; while subsections (1), (2), and (3) codify emergency powers which are inherent in the independent constitutional authority of the President as Commander in Chief, subsection (4) deals with the delegation of the Congress of additional authorities which would accrue to the President as a result of statutory action by the Congress, and which he does not, or would not, possess in the absence of such statutory action. Thus, subsection (4) regulates and defines the undertaking of a "national commitment."

Section 5 provides that actions taken under the provisions of section 3 "shall not be sustained beyond 30 days from the date of the introduction of such Armed Forces in hostilities or in any such situation unless—"the continued use of such Armed Forces in hostilities or in such situation has been authorized in specific legislation enacted for that purpose by the Congress and pursuant to the provisions thereof."

Section 5 resolves the modern dilemma of reconciling the need of speedy and emergency action by the President in this age of instantaneous communications and of intercontinental ballistic missiles with the urgent necessity for Congress to exercise its constitutional mandate and duty with respect to the great questions of war and peace.

As one can see from the above, the conditions in which, in the absence of a congressional declaration of war, our Armed Forces can be introduced into hostilities or into situations where hostilities seem
imminent, are clearly defined. However, an executive action cannot be sustained beyond 30 days from the date of the introduction of our armies unless Congress has authorized such a national, long-term commitment. Thus, while the power of the President as Commander in Chief is protected, the advice and consent of Congress is also upheld.

Indeed, during the last 5 years or so Congress has been faced with the dilemma of dealing with the Vietnam situation only through the difficult and, at any rate, ineffective method of having to resort to the power of the purse to cut off defense funds.

My colleagues, the prolonged tragedy of the Vietnam war has taught us that we cannot afford another tragic waste of our Nation's human and technological resources. For this reason, I advocate the basic institutional reform of the War Powers Act to redress the lopsided balance of powers which led to the tragedy of Vietnam and to assure that the will of the people, as expressed through their elected representative, be imposed on the grave decisions of whether or not to send American boys to war.