CODIFIED DELINEATION OF POWERS NEEDED

During most of our history, the legislative and executive branches were able to operate within the gray area that separates their respective war powers with no clarifying legislation. This was possible because both sides pursued their obligations by exercising mutual restraint and good faith. This is no longer the case. Congressional apathy and Presidential aggressiveness have eroded the partnership in decision-making that the Founders had originally intended. Our challenge today is to carefully circumscribe that discretion while still permitting enough flexibility to insure the national security.

Assuming that the provisions of the legislation we propose will be carried out in good faith—and we should assume nothing less in a nation of laws—we must, in my opinion, carefully define and codify the President's emergency powers to eliminate, to the maximum extent possible, his use of discretionary judgment. To do this we will have to avoid the loopholes that White House lawyers have so frequently found in other legislation. But we must also recognize that the biggest loophole of all occurs when we use phrases such as "in the judgment of the President" in lieu of our own definitions.

Some have argued that the codification of powers may have the unintended effect of giving away too much power. I believe that the contrary is true. By carefully defining these powers we not only limit them, we also permit ourselves to assess the President's implementing action against a very specific benchmark citation.

The best testimony that codification is the most feasible approach to the delineation of emergency powers is found in an examination of the provisions we have included in the Senate bill. After literally hundreds of drafting changes, I am convinced that we have considered all contingencies and that the fine line between Presidential flexibility and accountability to Congress has been found.

DESCRIPTION OF EMERGENCY PROVISIONS

We have allowed three situations where the President may take unilateral emergency action without prior consultation with Congress. Following is a brief description of these provisions.

The first emergency provision allows the Commander in Chief to: "repel an armed attack upon the United States, its territories and possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack."

There were two controversial aspects involved in delineating the Commander-in-Chief's authority to repel attacks upon the United States. First, it was necessary to grant him the right to "forestall the direct and imminent threat" of an attack. While it is obvious that these words grant to the President a degree of judgment and discretion, we had to concede that this authority is inherent in the act of repelling an attack. It has been recognized as such both by the Founders and by subsequent judicial opinion. Justice Story, for one, gave judicial support to this concept when he stated in Martin v. Mott:

"The power to provide for repelling invasions includes the power to provide against the attempt and danger of invasion as the necessary and proper means to effectuate the object. One of the best means to repel invasion is to provide the requisite force for action before the invader himself has reached the soil."

The granting of a degree of discretion in forestalling an attack, however, is carefully circumscribed in our bill. For instance, the threat which triggers Presidential action must be "direct and imminent." The President's judgment is even further subjected to Congressional scrutiny by the additional requirement to report to Congress at the earliest possible time and by the 30-day provision, which I will discuss later.

It was then necessary to deal with the most significant change in military warfare in history—the introduction of the atomic bomb. Today that weapon has forced us to consider contingencies that were beyond the wildest dreams of Thomas Jefferson and Alexander Hamilton. We must literally concern ourselves with the future of the world.

We have thus far managed to avoid a nuclear holocaust by depending upon universal acceptance of the policy of mutual deterrence. Our first emergency provision maintains the integrity of that policy by allowing the President to take "necessary and appropriate retaliatory actions." The words which condition this delegation of power are, of course, "necessary and appropriate."

The question of whether to expressly prohibit the President from initiating a pre-emptive nuclear attack was debated at some length. It was finally decided
that, in the final analysis, all any legislation can expect to achieve is to hold the 
President legally and politically accountable for his actions. The consequences 
that would follow a first-strike nuclear attack by the United States would make 
the question of political and legal responsibility moot.

The second emergency provision allows the President to “repel an armed attack 
against the Armed Forces of the United States located outside of the United 
States, its territories and possessions, and to forestall the direct and imminent 
threat of such an attack.”

This provision is, in large part, self-explanatory. The Commander in Chief 
obviously has the right and duty to protect American forces who are attacked 
while legally deployed in a foreign country. Again, we have permitted the Presi-
dent what we consider to be his inherent right to forestall a direct and imminent 
threat of attack on those forces.

In this case, however, we do not delegate the right to retaliate for such an 
attack. If the President feels that an attack on U.S. forces is of such a nature as 
to warrant retaliation, he must come to Congress for that authority. The expanded 
interpretation of Executive power that caused the bombing of Hanoi in retaliation 
for attacks on our ships in the Gulf of Tonkin would be expressly prohibited 
without congressional authorization.

The third emergency provision concerns the rescuing of American citizens 
who may be threatened while in a foreign country. The provision reads as 
follows:

“... to protect while evacuating citizens and nationals of the United States, 
as rapidly as possible, from (A) any situation on the high seas involving a direct 
and imminent threat of the lives of such citizens and nationals, or (B) any coun-
try in which such citizens and nationals are present with the express or tacit con-
sent of the government of such country and are being subjected to a direct and 
imminent threat to their lives, either sponsored by such government or beyond 
the power of such government to control; but the President shall make every 
effort to terminate such a threat without using the Armed Forces of the United 
States, and shall, where possible, obtain the consent of the government of such 
country before using the Armed Forces of the United States to protect citizens 
and nationals of the United States being evacuated from such country. **

The tightly worded language of this provision is designed to emphasize that 
the President has authority only to rescue endangered American citizens. He 
may not use the circumstance of their endangered position to pursue a policy 
objective over and above their safe evacuation. Even before the President can 
take action under this provision he must ascertain that the government of the 
country in question is either incapable of protecting Americans or is itself pre-
senting a threat to them.

Obviously, the most recent instance of a President expanding a rescue operation 
into an invasion was President Johnson’s action during the Dominican Republic 
crisis in 1965. The policy considerations that motivated President Johnson should 
have been referred to Congress for decision. Since Congress was excluded from 
the decision-making process, the President’s actions were, in my opinion, extra-
constitutional.

I believe that the careful drawing of emergency authority will, in the first 
instance, effectively curtail the President’s usurpation of the role of Congress. 
We sometimes become overly concerned with the possibility of “tying the Presi-
dent’s hands,” and at the same time ignore the fact that the President now rou-
tinely pre-empt Congress’s own efforts to fulfill its war-making responsibil-
ities. The emergency powers we have delegated in the Senate bill will allow the 
President to respond expeditiously in an emergency while assuring that the 
important policy decision—whether or not to enter war—remains with Congress.

OTHER SITUATIONS REQUIRE SPECIFIC AUTHORIZATION

Beyond the codification of the President’s emergency power, the Senate bill 
then considers the process by which Congress can delegate further authority 
to wage war in the more classic—offensive rather than defensive—sense of that 
word. This authority, according to our bill, can only be given as the result of a 
specific statutory authorization.

But we have gone beyond the simple statement that statutory authorization 
is required by stating that such authorization cannot be inferred from any other 
legislative action. Such action must include a specific authorization granted by 
both Houses of Congress. For this reason, treaties are exempted as legal authority 
for introducing forces into hostile situations.
Since treaties do not require the approval of the House of Representatives, they could not possibly be used as authorization to conduct war. The Founders clearly assigned that decision to both Houses of Congress.

We have also categorically stated that appropriations measures cannot simply imply congressional authorization to conduct war. If this principle were accepted, the President could theoretically wage war with impunity while confidently challenging each House to attempt to muster a two-thirds majority to stop him. Such a situation is not only extremely dangerous but, in effect, it turns our carefully devised system of checks and balances on its head.

The provisions I have just discussed—which are all under the section of our bill entitled Emergency Use of the Armed Forces—are, in my opinion, the most important part of the bill. These provisions represent the up-front delineation of the respective powers of Congress and the President. I consider such a delineation of powers to be the indispensable foundation for any measure of this type. If these provisions are respected, no further enforcement mechanism would be required.

THE 30-DAY PROVISION

No matter how tightly we circumscribe the Commander-in-Chief's emergency role, however, we should not satisfy ourselves that that role would never be abused. Even if Presidents executed the provisions of the war powers bill in good faith, it would still be possible for them to use the discretion then retained as Commander in Chief to move our nation from a defensive conflict to an offensive one. Whether this occurred inadvertently or not, Congress must possess the legislative mechanism that would require it to protect its own prerogatives.

Congress alone must decide whether we will enter an offensive war. And Congress alone must have the means to stop a President when he moves beyond the strictly defensive powers he derives from the Constitution. If these provisions are respected, no further enforcement mechanism would be required.

Some have argued that the power of the purse would in itself be sufficient to protect Congress's right to declare war. In other words, if the President entered an offensive war without the consent of Congress, we could then cut off funds for that war and thus impose our will.

Acceptance of this argument would seriously distort the Founder's intention. We cannot continue to rely on a system that subjects our constitutional prerogative to a Presidential veto and then be put into the position of attempting to override that veto to stop an illegal war. If we accept his premise, we will have compromised our most solemn responsibility.

The framers of the Constitution were aware that by giving specific and residual powers to the Congress and a somewhat undefined charter to the President, they had created a system of concurrent authority. They were fully aware that by doing so, they had sowed the seeds for possible conflict. How this conflict—if it occurred—should be resolved as also clear to them. Compromise would be sought at all costs but if negotiations proved fruitless, overriding control would remain with the Congress.

If the conflict centered over an action already begun, the Congress would not be helpless in the face of a fait accompli. Again, it was Hamilton who wrote: "The legislature is still free to perform its duties, according to its own sense of them; though the executive, in the exercise of its constitutional powers, may establish an antecedent state of things, which ought to weigh in the legislative decisions."

To impose the will of Congress, therefore, we have chosen to limit the President's emergency powers in a quantitative manner by requiring Congressional approval within 30 days if he wishes to continue his action. If such approval is not forthcoming, then the emergency action must be terminated automatically—the only exception being that the President could certify in writing that "unavoidable military necessity" to protect our forces requires continued action to bring about a "prompt disengagement."

The burden of proof is, therefore, on the President. He must demonstrate: (1) that the emergency action he has taken is legitimate and in accordance with the provisions of our bill; and (2) that continuation of such action beyond 30 days is warranted.

The President's case can be heard and then voted on by either House, if one-third of the membership cosponsors a bill or joint resolution. If this occurs, under the priority provisions, the question then must be voted on no later than one day after its introduction. Each House would then decide by a simple majority vote whether or not to approve the President's request.
The choice of 80 days has been criticized by some as too short and by others as too long. Admittedly it is an arbitrary number, but both these arguments can be answered by the same procedural explanation. The passage of our bill will provide a constant warning not to give away the fundamental power of Congress even in a period of crisis. When members of Congress are statutorily forced to uphold their responsibility, I expect that they will be very leery of either delegating it away too soon or allowing it to be abused by improper Presidential action.

If, therefore, Congress feels a longer period is needed to consider the President's request it can extend the authorization period for as long as it wants without ever losing control of the decision to declare offensive war. If, on the other hand, the President has clearly and blatantly abused his emergency authority, Congress may act to stop him immediately, even before the 80-day period is completed.

I concede that there may be other enforcement methods that could be used. For example, some have suggested a qualitative approach which would require the defining of circumstances or conditions whereby the emergency action would be recognized as charging in nature from offensive to defensive. I believe, however, that the straightforward quantitative approach avoids the subjectivity of other methods and would be easier to administer. Most importantly, the 30-day provision protects Congress's war powers by allowing Congress alone to make the decision whether or not to extend the President's authority.

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It is unfortunate that we in Congress, and Americans in general, have a tendency to overlook serious situations until they erupt into crisis. There should be little doubt that the gradual erosion of congressional war powers has grown to crisis proportions. If we fail to act now after the horrors of Vietnam have so clearly exposed the danger of individual war-making, we may never again see the questions of war and peace being decided by the sobering and deliberative processes inherent in the concept of collective judgment.

Mr. Chairman, the history of this legislation represents an exceptional chronology of Congress's growing awareness of its own powers. I discussed this aspect in the Missouri Law Review and I ask the chair's consent to include this article in the record.

Statement of Senator Barry Goldwater for the Senate Committee on Foreign Relations, April 12, 1973

Forgetful of the post-World War I period of the 1920's and the 1930's when this country was being called an isolated country and a "Fortress America," some in Congress seek to revive legislation which they, as their philosophical kin of the past, believe might prevent this country from ever again being drawn into another major conflict. In my opinion, this legislation, known as the War Powers Act, is unrealistic, unwise, and unconstitutional. It makes no sense from the standpoint of safe or intelligent military planning. It is disruptive of our entire mutual security system which now safeguards world order. It is totally without any statutory precedent in American history. And, in my opinion, it invalidly prohibits the President in the exercise of his Constitutional powers of national defense.

The specific legislation which has been introduced is so rigidly drafted it would leave the United States standing by helplessly in the face of an all-out attack against important friendly nations, such as Israel, with which we have no defense treaty, and would even block humanitarian assistance such as the 1964 Congo rescue mission in which the U.S. military saved almost 2,000 non-Americans from rebel atrocities.
S. 440 sets out only four narrow situations in which United States forces can be used. If an emergency does not fit one of the four situations which the draftsmen of the bill have foreseen, the President is prohibited from acting until Congress authorizes him, no matter how untenable the situation may become as a result of our failure to act. Even when the President may act, the bill places a limit of 30 days on his conduct. Another provision of the bill allows Congress to stop whatever action the President has started before the 30 days are up. Thus, what the bill gives with one hand it takes away with the other.

In essence, my basic objections against any form of war powers legislation are twofold. First, I believe it is simply impossible to prophesy in any law all of the unexpected and unlimited variations of events when a President may need to take defensive action without advance Congressional approval.

Second, the War Powers Act attempts to define the boundaries of the Constitutional allotment of the war powers between Congress and the President, something the Founding Fathers never attempted to do. For the declaration of war clause does not confer upon Congress the sole power whereby the country can become engaged in war. In fact, the Constitutional Convention purposefully narrowed the authority of Congress by substituting "declare" for "make" in that clause. This was done in an age when the declaration was already in disuse, there having been 38 wars in the Western World from 1700 to 1787, the year of the Constitutional Convention, and only one of which was preceded by a declaration of war. From this, it is clear that even by the Eighteenth Century, the declaration had come to mean no more than a formal notice to the world and to one's own people that an already existing state of war was officially acknowledged. This is how it is defined in the sole standard dictionary of the English language then published, the famous Samuel Johnson work, and it is how the Constitution has been interpreted during the succeeding 188 years of practice.

The truth is, there are circumstances in which any President must have flexibility of action in order to meet a present crisis which might develop into an intolerable threat against our national security in the future, as well as to cope with a crisis which clearly presents a "direct and imminent" danger as described in S. 440.

As early as 1836, John Quincy Adams stated: "However startled we may be at the idea that the Executive Chief Magistrate has the power of involving the nation in war, even without consulting Congress, an experience of fifty years has proved that in innumerable cases he has and must have exercised the power."

In all there have been at least 204 foreign military hostilities in the history of our Republic and only five of them were declared. Congress has never once passed a law blocking or ordering a halt to any of them. These incidents show a consistent practice under which American Presidents have always responded to foreign threats with whatever force they believed was necessary and technologically available at the particular moment. The idea that Presidential troop commitments are a recent development is a myth.

Nor have these military actions been limited to the Western Hemisphere or to small-scale incidents. At least 103 of these hostilities have taken place outside the Western Hemisphere, 53 of them having occurred in the 18th and 19th centuries. One of them, the Philippine Insurrection, involved the employment of over 126,000 United States troops in a war begun and ended without any declaration of war.

The principle of usage has long been recognized by the Supreme Court as a determining factor in constitutional interpretation. In United States v. Midwest Oil Co., 236 U.S. 469 (1915), the Court approved the validity of a long continued practice of the President to withdraw public land from private acquisition even though this conflicted with a statute by Congress which made such lands free and open to occupation and purchase. That practice fixed the construction, the Court explained, "is not reasoning in a circle but the basis of a wise and quieting rule that in determining the meaning of a statute or the existence of a power, weight shall be given to the usage itself—even when the validity of the practice is the subject of investigation."Id., at 472, 473.

A decade later the Court again looked to usage as a ground in rejecting Congressional control of a Presidential action. In holding that Congress could not shift gears after 78 years of practice and suddenly legislate conditions on the removal by the President of executive officers of the United States, even though such practice had often been the subject of bitter controversy, the Court argued: "Nor can we concur . . . that when Congress, after full consideration and with the acquiescence and long practice of all the branches of the Government, has established the construction of the Constitution, it may by its mere subsequent
legislation reverse such construction. It is not given power by itself thus to amend
the Constitution. Myers v. United States, 272 U.S. 52, 152, 175 (1926)."

To those who contend this concept gives an unrestrained power to the Presi-
dent to do anything he wants, I would remind them that I am speaking only of
defensive responses by the Executive. The President cannot conduct a war of
aggression. He cannot begin a war of conquest of another's territory. He cannot
bully another country with threats of armed action simply because we do not
like its tariff policies or the way it governs its own internal affairs. His Constitu-
tional power of independent action is limited to self-defense of our country, its
people, and its freedoms, whenever and wherever in his judgment a danger exists,
imminently or prospectively, which compels a response on our part.

To those who contend this concept will lead to another Vietnam, I answer that
this ignores recent history. In the words of a Washington Star editorial, the con-
tention that war powers legislation would have stopped Vietnam "is a monu-
mental piece of historical hogwash."

It has now been judicially determined that Congress was involved up to its
ears in the expansion of the Vietnam War. I could detail at least 24 statutes in
which Congress has specifically spoken of Vietnam over the past two decades
and has authorized the conduct of that campaign. These collaborations, enacted
after full and open debate, some of them nationally televised, placed Congress
knowingly and squarely behind United States military operations in Southeast
Asia.

The real story is that Presidents and their Cabinet members have spent an
enormous amount of time working with Congress and striving to put the two
branches in unison. It would be folly to alter this long-standing Constitutional
arrangement by a mere statute. For the truth in Congress does not need new
legislation to give it a place in the political command centers. It already has a
very forceful and effective policy-making position. Through its power of the
purse, Congress has basic control over the size and strength of the military
sinews with which the President can wage war. In addition, Congress can grant
or withhold a multitude of emergency powers bearing on foreign trade and the
distribution of strategic materials and other economic elements that comprise
the nation's defense machinery.

Members of Congress also enjoy a prominent public forum from which they
can immediately and easily gain the ear of a free press and reach the American
people directly with their own alternatives to Executive policies. Moreover,
Congress can reject treaties or resolutions with defense implications.

These are the means by which the Founders meant for Congress to share in
deciding questions of war and peace and, in my opinion, Congress cannot alter
this arrangement by any legislation short of a Constitutional Amendment.

Mr. Chairman, before closing I would like to identify some of the specific areas
which trouble me the most about the text of S. 440 and where there appears to be
a contradiction between the plain language of the legislation and the explanations
given by its sponsors.

One, Senator Javits, the original author of S. 440, has argued the President
can use his own "judgment and discretion" as to when an emergency fits one of
four situations when he can use armed forces under the bill.

Yet, nowhere in S. 440 is there any language providing that the President may
make an independent judgment of any kind under the bill. In fact, a legal brief
introduced in the Senate hearings record by Senator Javits argues that the
President is the mere executive arm of the Congress who must follow the dictates
of the legislative branch.

Two. The advocates of S. 440 claim the President can take whatever forestall-
ing action is needed without waiting "until the bombs actually started landing
on our soil." They claim the bill is not "inflexible."

But the actual text of S. 440 requires that before the President takes any
defensive measure there must be an armed attack on the United States or our
Armed Forces, or "the direct and imminent" threat of such an attack. In the
case of an attack on a foreign nation, for example a part of Turkey where we
have no troops deployed, the "direct" threat would be to that nation, not to the
U.S. The threat would be imminent to that nation, but distant to us. If a move
against Turkey actually carried with it an implicit threat against the United
States, it would only be because the attack set in motion a chain of events which
ultimately might represent a serious threat to us. But if it is the sponsors' pur-
pose to allow the President flexibility in these circumstances, as they contend,
then they must intend "direct" to mean "indirect," and "imminent" to mean
"some indefinite date in the future."
Three. The sponsors of S. 440 claim it is the purpose of section 8, clause (4), to ratify the Formosan, Cuban, and Middle East Resolutions as authority for the President to respond in crises in these areas.

The bill itself plainly states that no provision of law now in force shall be construed as authority for Presidential action unless it "specifically authorizes" the introduction of troops in hostilities. But all of the area resolutions mentioned do not specifically grant authority for the commitment of U.S. forces in armed actions. One, the Formosan Resolution, does provide that "the President of the United States be and he hereby is authorized to employ the Armed Forces ...." In contrast, however, the Cuban Resolution states only that "the United States is determined" to take certain steps. The Middle East Resolution is even weaker. It merely declares "the United States is prepared to use armed forces" and it qualifies even this declaration by expressly providing that such employment shall be consonant "with the Constitution of the United States."

It must be remembered, Mr. Chairman, that a similar phrase "in accordance with Constitutional processes," as used in our mutual defense treaties, is argued by the authors of S. 440 to mean that no specific authority is given pursuant to such treaties. The sponsors do not explain what the difference is between the term "Constitutional processes" as used in treaties and "consonant with the Constitution" the Middle East Resolution. In short, the authors are reading section 3(4) as containing a proviso that these three area resolutions shall constitute specific authority for emergency use of American forces, when the section itself does not contain any reference at all to such resolutions.

Four. Senator Javits has claimed there is full authority under S. 440 for the U.S. 6th Fleet to be deployed in the Mediterranean at any time by the President during omens of crisis.

But the bill itself specifically directs that United States forces shall not be introduced in situations where imminent involvement in hostilities is at risk, except in the narrow situations where the United States or our forces are attacked or directly and imminently threatened with attack. In the six-day Middle East War of 1967, for example, the United States itself was not directly threatened with attack; nor was there any imminent threat to American forces. There was, however, an open and imminent threat made by Russia against Israel. Premier Kosygin actually called President Johnson over the hot line to warn that Russia was prepared to take military action against Israel if it did not cease its fighting. Clearly, President Johnson's prompt response by moving the 6th Fleet into the danger area in order to forestall Russian pressure on Israel would be prohibited under S. 440 because no threat had been made against our own forces. For the sponsors of the bill to say that an American response is authorized in these facts reveals that the authors do not understand the implications of their own bill.

Five. Senator Javits claims it would be a faulty and distorted reading of the legislation, to infer that S. 440 would prohibit U.S. personnel in the NATO integrated commands from exercising any functions without additional Congressional authorization.

The language of section 8(4) explicitly states that specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to "command" or "coordinate" in the movement of the military forces of any foreign country or government at any time when there exists an imminent threat that the forces will become engaged in hostilities. Thus, at the very moment when our participation in the NATO unified command would be needed the most, the bill squarely prohibits U.S. personnel from exercising any functions.

Six. S. 440 uses three totally different ways of describing what constitutes an "imminent threat." Section 2 refers to "the imminent threat of attacks," while section 3 refers both to "situations where imminent involvement in hostilities is clearly indicated" and situations where there is a "direct and imminent threat" of an armed attack.

Where is an attack "imminent" but not "direct and imminent"? When is our involvement in hostilities "clearly indicated" but the threat of attack against our forces not "direct and imminent"? The sponsors of the bill have never given an explanation of what the difference is between "imminent" as used in one provision and that used in another.

Mr. Chairman, with your permission, I would ask that two recent law review writings on this subject may be printed with your hearings. One is an article
which my legislative counsel wrote for the American Bar Association Journal discussing the constitutional issues and the other is an updated analysis of all American military hostilities outside the United States without a declaration of war which he first published in the West Virginia University Law Review.

**Exhibit I**

*Reprinted by permission. 58 American Bar Association Journal 800 (1972)*

**War Powers: An Invasion of Presidential Prerogative**

(By J. Terry Emerson, counsel to Senator Barry Goldwater)

On April 13, 1972, by a vote of 68 to 16, the Senate of the United States passed S. 2966, a bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress. I contend that S. 2966, called the War Powers Bill, is unconstitutional, as is all similar legislation that purports to establish in advance the ground rules under which the President can use military measures in defense of the liberty and safety of the United States and its 209 million citizens.

In the absence of a Congressional declaration of war, S. 2966 prohibits the introduction of our Armed Forces into hostilities or situations where imminent involvement in hostilities is clearly indicated, except in four limited emergency conditions. Troops may be used for a period of thirty days in order to repel an armed attack on the United States and to forestall the direct and imminent threat of such an attack; to repel an armed attack against the Armed Forces of the United States located abroad and to forestall the direct and imminent threat of such an attack; to protect while evacuating citizens and nationals of the United States from any foreign country or on the high seas; and pursuant to specific statutory authorization, which shall not be inferred from appropriation acts and existing treaties.

The bill creates a Congressional veto on executive action by providing that no emergency response may continue beyond thirty days without specific Congressional authorization. Congress is allowed to stop any of the above emergency reactions prior to thirty days by an act or joint resolution.

The sponsors of the War Powers Bill claim that the declaration of war clause of the Constitution—along with the necessary and proper clause, both in Article I, Section 8, confer on Congress the power to impose any rules it chooses in the war-making field. A brief introduced into the hearings on S. 2966 by Senator Jacob Javits of New York, the primary sponsor of the bill, asserts that “the President as Commander in Chief was intended to be the executive arm of Congress, carrying out its policy directives in the prosecution of military hostilities.” The brief argues further “that Congress has the right to legislate concerning the initiation of war and the President has no right to contravene such legislation.”

Senator Stennis of Mississippi, a major cosponsor of the bill, adds that the necessary and proper clause grants Congress the power not only to carry into execution its own powers but also all other powers vested in any officer of the United States. In this view, the President can be checked by the directives of Congress even though he possesses independent powers over the waging of war.

Other critics of Presidential war making claim that the Congressional power of the purse connotes an implicit power to place restrictions on the funds it appropriates in a manner designed to give effect to Congressional pollicies. Charles B. Blackmar’s article, “Commander in Chief: Another View”, in the April, 1971, issue of this Journal (page 335) is an outstanding presentation of this position.

In particular, the advocates of war powers restrictions place heavy reliance on the commission given to General George Washington by the Continental Congress. The last clause of the commission provided that General Washington was “punctually to observe and follow such orders and directions” as he should receive from the Congress. According to Senator Javits, General Washington’s commission is the model that the Founding Fathers had in mind when they

*Author’s note: S. 2966 of the 92d Cong. is identical to S. 440 of the 91st Cong.*


designated the President as commander in chief of the Armed Forces of the new Republic.

"TO DECLARE WAR" DOES NOT MEAN "TO COMMENCE WAR"

I believe that these arguments are based on false assumptions about the intent of the founders and the import of the declaration clause. No matter how much the critics of Presidential power state that the power "to declare war" means the same thing as the sole power "to commence war", the declaration never had this meaning. In fact, the founders deliberately rejected a clause leaving with Congress the power "to make war", which had been construed as the power "to authorize war" under the Articles of Confederation, and substituted in its place only the power "to declare war".

From this, it is obvious the framers had in mind a difference between the two powers. Some claim, however, that this clause was intended to do no more than leave with the President "the power to defend against imminent invasion when Congress was not in session". It is my belief that the founders meant to invest the President with powers of defense far beyond this narrow notion, even if the danger posed by a foreign threat lies only in the future.

One way to gain a better idea of what the founders meant by using "declare" in place of "make" is to find out what meaning these words held for citizens of the eighteenth century. This is not difficult to do as Samuel Johnson's *Dictionary of the English Language* was the standard dictionary then in vogue in America. The fourth edition of this volume, which was current at the time of the Constitutional Convention, defines the term "to declare" as "to clear; to free from obscurity, to make known; to tell evidently and openly, to publish; to proclaim," and "to show in open view". In contrast, the term "to make" was then defined as meaning "to create" and "to bring into any state or condition". This would indicate that the words "to declare war" in the Constitution dealt with a kind of formal acknowledgment of the fact that a state of war exists. The power "to make war", which in my view was left with the President, meant the power by which the country could actually be brought into the material state of war.

If the Founding Fathers meant for Congress to "commence war", why did they not say "commence"? If they meant to grant Congress the power "to engage in war", why did they not use this term? Yet, they chose merely the word "declare", which had a very limited meaning even at that time.

How limited is evident from the fact that declarations of war were already unusual in the eighteenth century compared with the number of nondeclared wars. That the framers were aware of this is apparent from Hamilton's comment in *The Federalist* No. 25 that declarations of war were falling into disuse. Confirmation is found in one famous study giving a chronological narrative of all hostilities commenced by the European powers during the eighteenth century without a declaration of war. This study uncovered thirty-seven instances in which hostilities were begun absent a declaration in the eighty-seven years preceding the Constitutional Convention and only one in which a declaration was issued prior to hostilities.

Thus, there is no question the founders knew that nations frequently engaged in hostilities without a declaration of war. Yet they vested Congress with no more than the specific power "to declare war". Surely this indicates the framers anticipated that the United States might become involved in war on frequent occasions, although Congress had not initiated it.

The situations in which the founders would have foreseen the commencing of war by the President without securing authorizations from Congress are any situations that call for promptness of reactions in order to forestall a foreign threat of a kind that, left unchecked, might place the survival of the nation at stake. In the setting of the eighteenth century, this principle clearly included an actual invasion. In a complex and interrelated modern world, it must mean far more.

CONCEPT OF DEFENSIVE WAR IS EVIDENT IN THE FEDERALIST

The concept of defensive war is evident in the many references in *The Federalist* concerned with preserving the safety of the nation. For example, Jay

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2 See testimony of Professor Richard B. Morris, War Powers Hearings, 81.
3 Maurice, "Hostilities Without Declaration of War 12-27" (1860).
wrote in No. 3, "Among the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their safety seems to be the first." Hamilton indicates the overriding importance of this object of government by adding, in No. 23, "The circumstances that endanger the safety of nations are infinite; and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed."

These passages must mean that the framers intended for the President, as well as the Congress, to possess extraordinary powers when necessary for the protection of the Republic. If the President believes the safety of the nation is imperiled, he must react even though Congress has not authorized the specific action.

It is important to recall that the Founding Fathers were much aware of the weakness that had accompanied the vesting in the legislature of the power to make war. They had just emerged from a long war of independence in which the Continental Congress, clothed with the power to make war, had interfered with Washington's military operations and caused him great trouble and embarrassment.

It is not surprising that Professor John Norton Moore, a prominent authority on international law, testified during the recent Senate hearings that he believes "reliance on the experience under the Articles of Confederation seems a frail reed for interpreting a Constitution promulgated in large measure as a result of dissatisfaction with the experience under the Articles". Contrary to the position taken by the proponents of S. 2956, the Constitutional Convention was appalled at the difficulties Washington had encountered at the hands of the Continental Congress. Rather than wishing to perpetuate the experience of weakness and division the country had suffered, the framers intended to infuse unity and national strength into the new Republic through the office of the President.

Hamilton bears out this view in The Federalist No. 73:

"Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war implies the direction of the common strength: and the power of directing and employing the common strength forms a usual and essential part in the definition of executive authority."

It is true that Hamilton had portrayed the position of the President as commander in chief as being inferior to that of the British King in The Federalist No. 69. Here Hamilton was seeking to make the Constitution more palatable to the American people by explaining the differences between the powers of the President and those of the King. The authority of the King, declared Hamilton, "extended to the declaring of war" and to raising and regulating of "fleets and armies, all of which by the Constitution under consideration, would appertain to the legislature". Of the King's powers, the President retains only "the supreme command and direction of the military and naval forces".

If the President possesses both the command and the direction of the Armed Forces, is this not enough to indicate that Congress cannot exercise control over the use of the Armed Forces? To argue that Hamilton's reference to the declaration of war means that Congress was given the power to prohibit the making of war without its mutual declaration is to assume the whole meaning of the declaration clause. The Congressional declaration of war has no more purpose than to be an official proclamation or, perhaps, authority for the commencing of offensive war in the absence of conditions that warrant defensive measures. This meaning alone, combined with the vesting in Congress of the authority to raise the armies and make rules for the discipline of the military, was ample distinction to justify Hamilton's contention that the President would not become a monarch.

Charles Evans Hughes, one of the great Supreme Court Justices, expressly rejected the claim that Presidential direction of the military conflicts in any way with the purpose of the founders to avoid establishing a king. In 1917 he wrote:

"The prosecution of war demands in the highest degree the promptness, directness and unity of action in military operations which alone can proceed from the executive. This exclusive power to command the army and navy and thus direct and control campaigns exhibits not autocracy but democracy fighting effectively through its chosen instruments and in accordance with the established organic law."

There are other writings in The Federalist that contradict the interpretation that Congress controls the making of war. In No. 19 Hamilton and Madison, writing jointly, state that the Constitutional Convention expressly rejected as being

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too weak the political model of the Germanic Empire in which the diet, or legisla-
tive body, was vested with the power to commence war. In any emergency, they
wrote, "military preparation must be preceded by so many tedious discussions
... that before the Diet can settle the arrangements the enemy are in the
field..."

Further evidence is in No. 38, in which Madison contends that the framers in-
tentionally removed the direction of military forces from Congress, where it had
been placed under the articles, because it is "particularly dangerous to give the
keys of the Treasury and the command of the army into the same hands". It thus
appears the Founding Fathers were as much concerned about Congressional
usurpation as they were about creating a monarch.

HOW PRESIDENTIAL POWER HAS BEEN INTERPRETED

The power of the President as commander in chief has long been interpreted as
being independent of Congress. As early as 1886, John Quincy Adams stated:
"However startled we may be at the idea that the Executive Chief Magistrate
has the power of involving the nation in war, even without consulting Congress,
an experience of fifty years has proved that in numberless cases he has and must
have exercised the power."7

In 1882 William Whiting wrote a book on war powers in which he declared that
"for the military movements and measures essential to overcome the enemy,—
for the general conduct of the war,—the President is responsible to and controlled
by no other department of Government". Whiting added that the Constitution
"does not prescribe any territorial limits within the United States, to which
his military operations shall be restricted".8

In 1921 Professor Clarence Berdahl summed up his extensive research by con-
cluding that "practically all authorities agree that the President, as Commander-
in-Chief, occupies an entirely independent position, having powers that are exclu-
sively his, subject to no restriction or control by either the legislative or judicial
departments".9

Professor W. W. Willoughby similarly observed in his three-volume study of
the Constitution that the President's power to send troops outside the country
"as a means of preserving or advancing the foreign interests or relations of the
United States is a "discretionary right constitutionally vested in him, and, there-
fore, not subject to congressional control".10

Numerous writers have shared the same conclusion. Many of the leading cita-
tions are collected in a recent article by Senator Barry M. Goldwater, "The
President's Ability To Protect America's Freedoms—The Warmaking Power", in the
1971 issue of Law and the Social Order (page 423).

JUDICIAL DECISIONS TAKE A BROAD VIEW

What few judicial decisions exist also take a broad view of Presidential power.
For example, in approving President Lincoln's blockade of the Confederacy, the
Supreme Court in The Prize Cases, 67 U.S. 635 (1862), held that when "a war be
made by invasion of a foreign nation, the President is not only authorized but
bound to resist force by force. He does not initiate the war, but is bound to accept
the challenge without waiting for any special legislative authority." Thus, the
High Court lays down the doctrine that the President need not await a declara-
tion of war to meet challenges against the national safety. He does not initiate
hostilities in these circumstances but reacts to measures set in motion by another.

Eberhard P. Deutsch summarizes many other cases upholding Presidential
power in his excellent article, "The President as Commander in Chief", in the
January, 1971 issue of this Journal (page 27). In short, these cases refer to four
distinct powers under Article II of the Constitution, which stand as the root of
Presidential warmaking authority. The President is vested with all the execu-
tive power of a sovereign nation, he is designated commander in chief, he is
granted constitutional primacy in the field of foreign affairs, and he is given
power to execute the laws, including his own reading of international law.

There are three cases arising out of the capture of ships during the French
Naval War of 1798 to 1800 that are relied on by advocates of restrictive war

7 Commager, "Presidential Power: The Issue Analyzed", New York Times, Jan. 14,
1951, p. 17 (Magazine), at 11.
8 Whiting, "The War Powers of the President and the Legislative Powers of Congress
in Relation to Rebellion, Treason, and Slavery," 82-88 (2d ed. 1862).
powers legislation. But these cases were decided after hostilities had ended and did not present an issue of curbing Presidential action while war was in progress. Moreover, the cases involved a matter falling squarely within the express power of Congress under Article I, Section 8, “to make Rules concerning Captures on Land and Water”. In the words of Professor Moore, “It hardly seems surprising or relevant that a Congressional act concerning rules for capture was preferred by the Court to a Presidential interpretation of that act.”

Another decision cited in support of war powers controls is *Youngstown Sheet & Tube Company v. Sawyer*, 343 U.S. 579 (1952), arising out of President Truman’s attempted takeover of the nation’s steel mills. While the Court held the President lacked authority to take possession of private property, even with his asserted power as commander in chief, the case did not raise the issue of the President’s authority to commit troops outside the country in defense of the United States. It turned solely on the limited question of his power over a clearly domestic matter, labor management relations. Justice Jackson plainly drew the distinction in his concurring opinion:

“We should not use this occasion to ‘circumscribe,’ much less to contract, the lawful role of the President as Commander-In-Chief. I should indulge the widest latitude of interpretation to sustain his exclusive function to command the instruments of national force, at least when turned against the outside world for the security of our society.”

**CONGRESSIONAL POWER UNDER “NECESSARY AND PROPER” CLAUSE**

Finally, there is the question of Congressional war power under the “necessary and proper” clause of Article I, Section 8. It has been suggested that *Ex parte Quirin*, 317 U.S. 1 (1942), indicates that Congress can act under this clause to check the President in his discretion over the waging of war. *Quirin* involved the trial of aliens landed from German submarines during World War II, all of whom were under instructions to destroy war industries in the United States. They were tried as saboteurs by a military tribunal, rather than by a jury or in the civil courts, pursuant to a proclamation issued by the President as commander in chief.

In holding that the offense charged was properly tried in accordance with the Articles of War adopted by Congress, the Court stated that the Constitution “invests the President, as Commander in Chief, with the power to wage war which Congress has declared, and to carry into effect all laws passed by Congress for the conduct of war . . .”. But nowhere in the Court’s opinion is there any implication that this statement exhausts the President’s authority. The Court was simply addressing itself to the specific facts at hand. Indeed, the Court observed:

“It is unnecessary for present purposes to determine to what extent the President as Commander in Chief has constitutional power to create military commissions without the support of Congressional legislation. For here Congress has authorized trial of offenses against the law of war before such commissions.”

The opinion expressly notes that the issue did not involve measures “to repel and defeat the enemy”. In fact, the Court added: “We need not inquire whether Congress may restrict the power of the Commander in Chief to deal with enemy belligerents.”

There is one case, however, which appears to say that Congress cannot act under the “necessary and proper” clause to restrict a power of the President. This is *Myers v. United States*, 272 U.S. 52 (1926), in which the Supreme Court reviewed a Congressional limitation on the removal of persons holding an office Congress had created in the executive branch. Here the Court was dealing with the express authorization under Article II, Section 2, Clause 2, for Congress to establish offices of the United States, a power Congress had exercised from the first. Nevertheless, the Court held that the removal of officers was an independent executive power vested in the President and not subject to limitation by Congress. *Myers* echoes the position taken by Dean Pomeroy in 1870 in his textbook on constitutional law that any measures passed by Congress under the necessary and proper clause “must be supplementary to, and in aid of, the separate and independent functions of the President as Commander-in-Chief; they cannot interfere with, much less limit his discretion in the exercise of those functions”.


Added to these materials and cases in support of Presidential power is a remarkable chain of precedents Presidents have forged over 188 years of practice and tradition under the Constitution. I have listed at least 201 foreign hostilities in America's history, and only five of them have been wars declared by Congress. These military actions include several battles to protect American commerce against pirates, numerous engagements in defense of American citizens, the use of 5,000 troops to suppress the Boxer Rebellion, the arming of Atlantic merchant vessels with naval guns and gunners prior to World War I, the commitment of 14,000 men in Russia after Armistice Day, the landing of 5,000 soldiers in Nicaragua in 1927, the occupation of Iceland before World War II, the Korean conflict of 1950 to 1953, the Lebanon operation of 1958, the 1962 Cuban naval quarantine and the Vietnam War.

Though all of these activities were conducted by subordinate persons, the military officers on the scene were carrying out known Presidential foreign policy objectives in every instance. In practice, the President may act through the executive departments of government, but the acts of his subordinates are in legal contemplation his own. It is significant that nearly half these military operations lasted more than thirty days, the period of emergency action allowed under S. 2956. Well more than half occurred outside the Western Hemisphere, a fact that refutes the skeptics who assume that the actions are confined to our contiguous territory.

When viewed over the entire span of American history, these incidents form a consistent body of precedents which justify a President in responding to foreign dangers even if the response chosen might bring on major warfare. The military activities of the past twenty-five years cannot be excluded from this consideration simply because it would suit the interpretation desired by those who challenge Presidential power. When recent incidents are fitted in with the military actions of the past century and a half, there is a visible pattern of events in which Presidents have acted with whatever degree of force was necessary to protect endangered American interests abroad, consistent with the state of military technology and capabilities of the times.

As nations drew closer together and scientific know-how extended, it became natural that Presidents would act in more distant places and with more powerful weapon systems than they did before the United States was so closely touched by foreign events or before nations possessed advanced military hardware. The means at their command may have changed, but not their readiness to use that means.

CONGRESS HAS NEVER PROHIBITED ANY PRESIDENTIAL HOSTILITY

Another point that should be noticed about the 196 Presidentially authorized hostilities is that Congress has never once passed a law blocking or ordering a halt to any of them. The question has come up many times in both the nineteenth and twentieth centuries, and Congress has taken many votes on the issue. The fact that Congress has never before prohibited any Presidential hostility should be given heavy weight in reading the construction history itself has put on the constitutional allotment of the war powers. As the Supreme Court announced in *United States v. Midwest Oil Company*, 236 U.S. 459 (1915), "in determining the meaning of a statute or the existence of a power, weight shall be given to the usage itself—even when the validity of the practice is the subject of investigation." (Emphasis added.)

The recent Cooper-Church amendments cited by Professor Blackmar in his fine article do no more than literally translate into law President Nixon's own pledges not to involve American ground combat forces in Thailand or Laos. President Nixon included the same provision in his own defense budgets for 1971 and 1972. A similar observation can be made about the amendment embodied in the Supplemental Foreign Assistance Authorization Act of 1971, relating to the non-introduction of additional United States ground combat forces into Cambodia. Before the provision was enacted, Secretary of State Rogers volunteered that it "carries out the President's intention". Like the above provisions, this one too expressly states that it is in "line with the expressed intention of the President of the United States."

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In truth, these provisions are no more than restatements, with Presidential acquiescence, of policies that he already had announced his intention to follow. They represent no precedent for jamming strict Congressional troop directives down the throat of a President who opposes their implementation.

That there is a gray area where the President can take whatever defensive measures he believes necessary, without the advance approval of Congress and even contrary to its explicit directives, is one of the demands the Founding Fathers meant for the nation to accept in order to survive in an imperfect world. In the highly complex society of the twentieth century, when the domination of an ocean strait or control of a critical resource by one country might place that nation in a position of exclusive superiority from which it can dictate terms to all others, the President must be able to use his judgment in determining whether a present situation requires action now because it might develop into an irremovable threat later if left unchallenged.

CONGRESS DOES NOT NEED NEW LEGISLATION

The truth is Congress does not need new legislation to give it a policy-making position in the field of making war. Whenever a President commits American forces, he uses only the military strength Congress has furnished him. His ability to react is shaped considerably by what Congress has or has not provided. Once the President has acted, he cannot continue his action for long without returning to Congress for its participation in the form of continued appropriations. Vietnam would not be with us now had not Congress passed at least twenty-four statutes providing funds and authority for carrying on that war.

Congress also participates in war policy by passing area resolutions and ratifying defense treaties. Congress joins in war policy when it gives the chief executive tremendous emergency powers bearing on wages and prices, foreign trade, and allotment of strategic materials and other matters affecting the nation's defense machinery. Moreover, members of Congress enjoy a prominent public forum and can get into the news immediately, backed by a free press, with alternatives to Presidential policies.

These are the processes by which the Constitution provides that Congress shall participate in and influence decisions of military policy. The Constitution itself has created the arrangement under which Congress and the President shall share in decisions of war and peace, and Congress cannot now substitute a different procedure by legislative fiat.

EXHIBIT II

[Author's revised edition of materials first published as appendix to Emerson, War Powers Legislation, 74 W. Va. L. Rev. 58, 88, 119 (1922)]

A. CHRONOLOGICAL LIST OF 199 U.S. MILITARY HOSTILITIES ABROAD WITHOUT A DECLARATION OF WAR, 1798-1972

1798-1800—NAVAL-WAR WITH FRANCE

When John Adams became President in 1797, he faced the serious problem of strained relations between France and the United States in which France had made it a practice to seize American merchant ships and to manhandle their crews. Adams first attempted to negotiate a settlement, but, when the French demanded extortionate bribes and loans, his envoys rejected the proposals and departed.

Adams, thereupon, asked Congress for the power to arm merchant ships and take other defensive measures. Congress responded by creating a Navy Department, voting appropriations for new warships, and authorizing the enlistment of a "Provisional Army" for the duration of the emergency. In July, 1798, the French treaties and consular conventions were abrogated.

The result was a "quasi-war," during which neither country declared war. The American Navy attacked only French warships and privateers and fought primarily for the protection of commerce. Some ninety French ships were captured during this naval war. On September 80, 1800 a convention was agreed to and peace was achieved, State, 2.

The list includes only actual battles, landings, or evacuations in foreign territory or waters. Deployments to maintain an American presence, or alerts bringing an advanced state of readiness are not included, except for seven or eight incidents when the risk of war was unusually grave. No military operations known to have been subsequently disavowed or repudiated have been included.
1800—WEST INDIES

On April 1, U.S. Marines participated in the action between the U.S. schooner Enterprise and a Spanish man-of-war brig in the West Indies. USMC, I, 40.

1801—1805—WAR WITH TRIPOLI

During the early years of the Republic, the United States, following the practice of several European nations, paid tribute to North African pirates. Shortly after Jefferson became President, the Pasha of Tripoli, dissatisfied with the apportionment of tribute, declared war on the United States (May 1801). Jefferson thereupon sent warships to the Mediterranean. After naval actions and landings under Commodore Preble, an inconclusive treaty of peace with Tripoli was signed in 1805. Congress passed various enabling acts during the conflict but never declared war. State, 3.

1806—MEXICO (SPANISH TERRITORY)

Captain Z. M. Pike, with a platoon of troops and on the orders of General James Wilkinson, invaded Spanish territory at the headwaters of the Rio Grande, apparently on a secret mission. State, 16.

1808—1811—GULF OF MEXICO

American gunboats operated from New Orleans against Spanish and French privateers. State, 16.

1810—WEST FLORIDA (SPANISH TERRITORY)

Governor Claiborne of Louisiana, on orders from the President, occupied with troops disputed territory east of the Mississippi as far as the Pearl River. No armed clash occurred. State, 16.

1818—WEST FLORIDA (SPANISH TERRITORY)

On authority granted by Congress, General Wilkinson seized Mobile Bay with 600 soldiers; a small Spanish garrison gave way without fighting. State, 16.

1812—1814—MARQUESAS ISLANDS, SOUTH PACIFIC (CLAIMED BY SPANISH)

U.S. Marines built a fort on one of the islands to protect three captured prize ships. State, 16.

1814—1815—CARIBBEAN AREA

There were repeated engagements between American ships and pirates both ashore and off shore about Cuba, Puerto Rico, Santo Domingo, and Yucatan. In 1822. Commodore James Biddle employed a squadron of two frigates, four sloops of war, two brigs, four schooners, and two gunboats in the West Indies. The United States sunk or captured 65 vessels. Marine detachments participated in at least 14 of these actions. State, 16.

1815—SECOND BARBARY WAR (ALGIERS)

In 1812 an Algerian naval squadron operated against American shipping in the Mediterranean. In one attack an American merchantman was captured and its crew imprisoned. In March, 1815, Congress passed an act that authorized the use of armed vessels "as may be judged requisite by the President" to provide effective protection to American commerce in the Atlantic and the Mediterranean. A naval squadron of 10 vessels under Commodore Stephen Decatur attacked Algiers, compelling the Dey to negotiate a treaty. Decatur also demonstrated at Tunis and Tripoli. All three states were forced to pay for losses to American shipping, and the threats and tribute terminated. State, 3.

1816—SPANISH FLORIDA

During the "First Seminole War," U.S. forces invaded Spanish Florida on two occasions. In the first action, they destroyed a Spanish fort harboring raiders who had made forays into United States territory. In the second, Generals Jackson and Gaines attacked hostile Seminole Indians. In the process, United States forces attacked and occupied Spanish posts believed to serve as havens by the hostiles. President Monroe assumed responsibility for these acts, Moore, 403—406.
1817—AMELIA ISLAND (SPANISH TERRITORY)
Under orders from President Monroe, U.S. forces landed and expelled a group of smugglers and pirates. Moore, 406-408.

1819—OREGON
The U.S.S. Ontario landed at the Colombia River and in August took possession. Russia and Spain asserted claims to the area. Rogers, 96.

1820—WEST AFRICA
Marines participated in the capture of seven slave schooners by the U.S. corvette Cyane off Cape Mount and the Gallinos river on the west coast of Africa during the period from April 5 through 12. USMC, I, 64.

1820—1822—WEST COAST OF SOUTH AMERICA
Marines were aboard three of the U.S. ships stationed off the west coast of South America from 1820 until May, 1882, to protect American commerce during the revolt against Spain. USMC, I, 65.

1822—CUBA (SPANISH TERRITORY)
U.S. naval forces landed on the northwestern coast of Cuba and burned a pirate station. State, 17.

1822—CUBA (SPANISH TERRITORY)
Between April and October naval forces made a number of landings in pursuit of pirates, apparently incident to Congressional authorization which become operative in 1822. State, 17.

1824—CUBA (SPANISH TERRITORY)
In October, the U.S.S. Porpoise landed sailors to pursue pirates during a cruise authorized by Congress. State, 17.

1826—CUBA (SPANISH TERRITORY)
In March, British and American forces landed on two offshore Cuban islands to capture pirates who were based there. The action appears to be incident to Congressional authority. State, 17.

1827—GREECE
Apparently acting pursuant to legislation, in October and November, United States forces from the U.S.S. Warren and the U.S. schooner Porpoise engaged in seven actions against pirate vessels off Greece and made landings on three Greek Islands. State, 17.

1828—WEST INDIES
In December, incident to legislation, Marines participated in the capture of the Argentine privateer Federal by the U.S. sloop Eric at St. Bartholomew Island, W. I. USMC, I, 67.

1830—HAITI
On June 5, marines participated in the capture of the slave brig Penta by the U.S. schooner Grampus off Cape Haitien, Haiti. USMC, 1, 67.

1831—1832—FALKLAND ISLANDS (ARGENTINA)
American forces under Captain Duncan of the U.S.S. Lexington landed to investigate the capture of three American sailing vessels. The Americans succeeded in releasing the vessels and their crews and dispersed the Argentine colonists. State, 17.

1832—SUMATRA
A force of 250 men from the U.S.S. Potomac landed to storm a fort and punish natives of a town for an attack on American shipping and the murder of crew members. State, 18.
1888—ARGENTINA
Between October 31 and November 15, at the request of American residents of Buenos Aires, a force of 43 marines and sailors landed from the U.S.S. Lexington to protect American lives and property during an insurrection. State, 18.

1885—SAMOAN ISLANDS
On October 11, eighty Marines and sailors burned the principal village on the island to avenge harsh treatment meted out to American seamen. Paullin, 729.

1885—1886—PERU
Marines from the U.S.S. Broadway landed at various times at Callao and Lima to protect American lives and property during a revolt, and to protect the American Consulate at Lima, State, 18.

1887—MEXICO
On April 16, marines joined in the capture of a Mexican brig-of-war by the U.S.S. Natchez off Bravos de Santiago for illegal seizure of two American merchantmen. USMC, I, 70.

1889—SUMATRA
In January, American forces from the U.S. sloop John Adams and the U.S. frigate Columbia landed at Muckle, Sumatra, to protect American lives and property and to punish natives of two towns for attacking American ships. USMC, I, 70.

1840—FIJI ISLANDS
American forces totaling 70 officers and men, landed on July 12 and 26 to punish natives of two towns for attacking American ships. State, 18.

1841—SAMOAN ISLANDS
On February 25, an American force of 70 marines and seamen from the U.S.S. Peacock landed to avenge the murder of a seaman. They burned three native villages. USMC, I, 71.

1841—DRUMMOND ISLAND (KINGSMILL GROUP, PACIFIC OCEAN)
On April 6, marines from the U.S.S. Peacock landed and burned two towns to avenge the murder of a seaman by natives. State, 18.

1843—CHINA
In June and July, a clash between Americans and Chinese at the Canton trading post led to the landing of 60 sailors and marines from the St. Louis. Paullin, 1065-1066.

1846—WEST AFRICA
In November and December, four U.S. vessels from Commodore Perry's squadron demonstrated and landed various parties (one of 200 marines and sailors) to discourage piracy and the slave trade along the Ivory Coast and to punish attacks made by the natives on American seamen and shipping. In the process, they burned villages and killed a local ruler. The actions appear to have been pursuant to the Treaty of August 9, 1842, with Great Britain relative to the suppression of the slave trade. State, 18.

1844—MEXICO
President Tyler deployed our forces to protect Texas against Mexico, anticipating Senate approval of a treaty of annexation, which was rejected later in his term. Corwin, 245.

1844—CHINA
On June 18, Marines from the U.S. sloop St. Louis went ashore at Canton, China, to protect American lives, USMC, I, 72.
1846—AFRICAN COAST

On November 30, Marines joined in the capture of the slave bark *Pona* by the U.S. sloop *Yorktown* off Kabenda, Africa. The action was consistent with the Treaty of 1842. USMC, I, 72.

1846—MEXICO

President Polk ordered General Scott to occupy disputed territory months preceding a declaration of war. Our troops engaged in battle when Mexican forces entered the area between the Nueces and Rio Grande Rivers. The fighting occurred three days before Congress acted. U.S., 378.

1846—Smyrna (now Izmir, Turkey)

In July, the U.S.S. *St. Louis* gained the release of an American seized by Austrian officials. State, 18.

1850—AFRICAN COAST

On June 6, Marines joined in captaining a slave ship by the U.S. brig *Perry* off Luanda, Africa. The action was consistent with the Treaty of 1842. USMC I, 77.

1851—TURKEY

After a massacre of foreigners (including Americans) at Jaffa, the U.S. Mediterranean Squadron was ordered to demonstrate along the Turkish coast. Apparently, no shots were fired, but the display amounted to compulsion. State, 19.

1851—JOHANNA ISLAND (EAST OF AFRICA)

The U.S.S. *Dale* delivered an ultimatum, bombarded the island, and landed a force to punish the local chief for the unlawful imprisonment of the captain of an American whaler. State, 19.

1852—1853—ARGENTINA

Several landings of marines took place in order to protect American residents of Buenos Aires during a revolt. State, 19.

1853—NICARAGUA

American forces under Captain Hollins of the U.S.S. *Cyane* landed at Greytown about March 10 to protect American lives and interests during political disturbances. His activities were approved by the Secretary of the Navy. Moore, 414–415.

1853—OHIO

On September 11, a small Marine force from the U.S. steamer *Mississippi* boarded a Siamese vessel in the Canton River and put down a mutiny. USMC, I, 78.

1853—WEST COAST OF AFRICA

In accordance with the Treaty of 1842, on December 8, Marines joined in the capture of the slave schooner *Gambrill* by the U.S. frigate *Constitution* off the Congo River on the west coast of Africa. USMC, I, 78.

1853—Smyrna

Martin Koszta, who was an American declarant, was released by his Austrian captors, upon an ultimatum given by Naval Captain Ingraham who trained his guns upon the Austrian vessel on which Koszta was held. Secretary of State Marcy defended the rescue against protest by the Austrian Government. Berdahl, 50.

1853—1854—JAPAN

Commodore Matthew C. Perry led an expedition consisting of four men-of-war to Japan to negotiate a commercial treaty. Four hundred armed men accompanied Perry on his initial landing at Ede Bay in July, 1853, where he stayed for ten days after refusing to leave when ordered. He then sailed south, landing a force
at the Bonin Islands, where he took possession, and at the Ryukyus, where he established a coaling station. In March, 1854, he returned to Edo Bay with ten ships and 2,000 men, landed with an escort of 500 men, and after six weeks signed a treaty with Japanese authorities at Kanagawa. The whole campaign was on executive authority. State, 19.

1854—WEST COAST OF AFRICA

Pursuant to the Treaty of 1842, on March 10, Marines joined in the capture of a slave brig by the U.S. brig Perry off the west coast of Africa, USMC, I, 78.

1854—CHINA

American and British forces consisting of 160 English sailors, 60 U.S. sailors, and 30 merchant sailors landed at Shanghai on April 4, and stayed until June 7 to protect their nationals during a battle between Chinese imperial and revolutionary troops. State, 19.

1854—GREYTOWN, NICARAGUA

In July, the commander of an American naval vessel demanded reparation after the U.S. minister to Central America was injured during a riot. When this was not forthcoming, the vessel bombarded the town. President Pierce defended the action of the American commander in his annual message to Congress. Moore, 415-416.

1854—OKINAWA

On July 6, a force of 20 Marines from the U.S. steamer Powhatan went ashore on Okinawa and seized a religious shrine in punishment of persons who murdered an American. On November 17, Marines and seamen from the U.S. sloop Vincennes went ashore again at Okinawa to enforce treaty provisions. USMC, I, 78.

1855—CHINA

There were two brief actions by U.S. warships, the first a landing in May at Shanghai to protect American interests there, the second an attack in August at Hong Kong against pirates. State, 20.

1855—FIJI ISLANDS

In September and October, marines from the sloop-of-war John Adams landed four times to seek reparations for depredations against Americans and to force natives to honor a treaty. The landing parties fought skirmishes and burned some villages. USMC, I, 79.

1855—URUGUAY


1856—PANAMA, REPUBLIC OF NEW GRANADA

U.S. forces landed and stayed two days to protect American interests, including the Isthmian railroad, during an insurrection. (By the treaty of 1846 with New Granada, the United States had acquired the right to protect the Isthmus and to keep it open, in return for guaranteeing its neutrality.) State, 20.

1856—CHINA

In October and November, the U.S. warships Portsmouth and Levant landed 280 officers and men to protect American interests at Canton during hostilities between the British and the Chinese and in response to an unprovoked assault upon an unarmed boat displaying the U.S. flag. The Americans took and destroyed four Chinese forts. The attack by U.S. war vessels without authority of Congress was approved by President Buchanan. Berdahl, 51.
1858—URUGUAY

Forces from two U.S. warships landed in January to protect American lives and property during a revolt in Montevideo. The action was taken in conjunction with the forces of other powers at the request of the local government. State, 20.

1858—AFRICAN COAST

On September 8, Marines joined in the capture of a ketch laden with slave food by the U.S. sloop Marion off the southeast coast of Africa. The action was consistent with the Treaty of 1842. USMC, I, 80.

1858—CUBAN WATERS

After repeated acts of British cruisers in boarding and searching our merchant vessels in the Gulf of Mexico and adjacent seas, President Buchanan addressed remonstrances to the British Government against these searches and, without authority from Congress, ordered a naval force to the Cuban waters with directions “to protect all vessels of the United States on the high seas from search or detention by the vessels of war of any other nation.” A conflict with Great Britain was avoided only by its abandonment of her claim to the right of visit and search in time of peace. Berdahl, 51; Richardson, 3038.

1858—FUJI ISLANDS

On October 6, about 60 Marines and sailors from the U.S.S. Vandalla landed to punish natives for the murder of two American citizens and engaged in a fierce conflict with 300 native warriors. State, 21.

1858—1859—TURKEY

American citizens were massacred in 1858 at Jaffa and mistreated elsewhere. In the face of Turkish indifference, the Secretary of State asked the U.S. Navy to make a display of force along the Levant. State, 21.

1858—1859—PARAGUAY

From October 1858, to February, 1859, an American expedition went to Paraguay to demand redress for an attack on a naval vessel in the Parana River during 1856. Apologies were forthcoming after a display of force, which amounted to compulsion, Congress authorized the action. State, 21.

1859—AFRICAN COAST

On April 21 and 27, Marines joined in the capture of a slave ship near the Congo River, Africa. The action as consistent with the Treaty of 1842. USMC, I, 81.

1859—MEXICO


1859—CHINA

On July 31, forces from the U.S.S. Mississippi landed at Woosung and Shanghai, where they remained until August 2, to protect American interests and restore order. The American consul had called on the ship for assistance. State, 21.

1860—KISSEMBO, WEST AFRICA

On March 1, 40 Marines and seamen from the sloop-of-war Marion landed twice to prevent the destruction of American property during a period of local unrest. State, 21.

1860—COLOMBIA (STATE OF PANAMA)

On September 27, the Marine guard from the sloop U.S.S. St. Mary’s landed to protect American interests during a revolt. This may have been authorized pursuant to the Treaty of 1846. State, 21.
On July 16, when Japanese shore batteries at Shimonoseki fired on a U.S. merchant ship, the *U.S.S. Wyoming* retaliated by firing on three Japanese vessels lying at anchor. The shots were returned, and, by the time the action was over, there were casualties on both sides. The American Minister had demanded redress.

From July 14 to August 8, U.S. forces protected the U.S. Minister to Japan when he visited Yedo concerning some American claims against Japan. The forces also were designed to impress the Japanese with American power. LRS, IV, 52.

Between September 4 and 8, naval forces of the United States, Great Britain, France, and the Netherlands jointly forced open the Straits of Shimonoseki, which had been closed in violation of commercial agreements. Shore batteries were destroyed and 70 cannon seized. State, 21.

In late 1865, General Sheridan was dispatched to the Mexican border with 50,000 troops to back up the protest made by Secretary of State Seward to Napoleon III that the presence of over 25,000 French troops in Mexico "is a serious concern to the United States." In February, 1866, Seward demanded a definite date be set for withdrawal and France complied. Though American forces did not cross the border, the threat of foreign military operations was clear and imminent. U.S., 580-581.

American forces from the *U.S.S. St. Marys* landed to protect American interests during a revolt. This was apparently implied by the Treaty of 1846. State, 22.

Various landings by over 100 marines and seamen were made in June and July at Newchwang to punish an assault on the American Consul and to guard diplomats. State, 22.

On June 13, 181 Marines and seamen from the *U.S.S. Hartford* and *U.S.S. Wyoming* landed to punish natives who had murdered the crew of a wrecked American merchantman. Several huts were burned. USMC, I, 91.

On September 6, Marines landed and occupied Managua and Leon. USMC, I, 92.

From February 1 until April 4, landings were made at Hiago, Nagasaki, and Yokohama to protect American lives and property during local hostilities. USMC, I, 92.

At the request of local Uruguayan authorities, several landings were made from five U.S. steamers at Montevideo during the month of February in order to protect American lives and property during an insurrection. State, 22.

An American force landed at Aspinwall in April to protect the transit route during the absence of local police. This was impliably permitted by the Treaty of 1846. State, 22.

President Grant, having negotiated a treaty of annexation, sent a strong naval force to the island to protect it from invasion and internal disorder, both during
consideration of the treaty by the Senate and for months after its rejection. Berdahl, 48.

1870—MEXICO

On June 17, the U.S.S. Mohican pursued a pirate ship up the Tecapan River near Mazatlan, landed a party of Marines and seamen, and destroyed it during a pitched battle. State, 22.

1871—KOREA

In June, American landing forces under Admiral Rodgers captured five Korean forts after a surveying party, granted permission to make certain surveys and soundings, had been attacked. No treaty or convention was in effect. State, 22.

1878—COLOMBA

In May and September, nearly 200 American forces landed at the Bay of Panama to protect American lives and interests during local hostilities. The actions were impliedly allowed by the Treaty of 1846. State, 22.

1878—CUBAN WATERS

On October 81, the steamer Virginius, flying the American flag, was captured some 18 miles from Jamaica by the Spanish steamer Tornado, her actual destination having been to make a landing of men and arms in Cuba. In violation of treaty stipulations with the U.S. regarding counsel and trial before a proper court, a summary court-martial was convened and with circumstances of the utmost barbarity, a total of 58 of the crew and passengers were executed, including a considerable number of Americans. Large meetings were held in this country demanding violent action against Spain and President Grant authorized the Secretary of the Navy to put our navy on a war footing. Every available ship was commissioned or recalled from foreign stations and war looked imminent. Spain yielded and the Virginius with her surviving crew and passengers were returned in late December. Also, by an agreement concluded February 27, 1875, Spain admitted the illegality of the capture and the wrongfulness of the summary execution and paid an indemnity of $30,000 to the United States. Chadwick, 814–851.

1873–1882—MEXICO

U.S. troops repeatedly crossed the Mexican border to pursue cattle thieves and Indian marauders. Mexico occasionally reciprocated. Such incursions were finally recognized as legitimate by agreements concluded in 1882 and subsequent years. Moore, 418–425.

1874—HAWAII

In February, a party of 150 men from two U.S. vessels landed to preserve order at the request of local authorities. State, 28.

1876—MEXICO

On May 16, at the request of the U.S. consul at Matamoras, a small American force was landed to preserve order when the town was temporarily without a government. State, 23.

1882—EGYPT

On July 14, over 100 forces from the U.S.S. Lancaster, U.S.S. Quinnebaug, and U.S.S. Nipso landed at Alexandria, when the city was being bombarded by the British navy, in order to protect American interests there, including the American consulate. State, 28.

1885—COLOMBA (STATE OF PANAMA)

On January 18, March 16, March 31, April 8, April 11, April 12, and April 25, American forces landed to protect American property and guard valuable in transit over the Isthmus during local revolutionary activity, an action authorized under the Treaty of 1846. USMC, I, 96.

1888—KOREA

On June 10, 25 men from the U.S.S. Êsogoe landed at Chemulpo and marched to Seoul to protect American residents during unsettled political conditions. The action was requested by the American Minister. State, 28.
1888-1889—SAMOA

In 1886, the German consul announced that the Sanwan group was henceforth a German protectorate, an action that brought the United States and Great Britain together in opposition. By 1889, Germany and the United States were close to a direct confrontation. The United States and Germany, together with Great Britain, shared certain treaty rights in Samoa for the maintenance of naval depots. In November 1888, U.S. Marines landed from the U.S.S. Nipisco to protect American interests after civil strife broke out ashore. In January, 1889, German forces landed, and, when those forces were attacked by the natives, German ships shelled the island. This action by Germany aroused the American public, and Congress appropriated $500,000 for the protection of American lives and property on the island and $100,000 for the development of Pago Pago harbor. The United States also ordered two more warships to the scene. All three powers had warships on the scene and an untoward event might have touched off war had not a hurricane in March, 1889, destroyed all the warships except one British vessel. Thereafter, the Germans invited the three powers to a conference, which was agreed to and held in Berlin. In April, 1889, they established a three-power protectorate there. In 1899 the Samoans were divided, the United States acquiring Tutuila. State, 23.

1888—HAITI

In December, American warships made a display of force to obtain the release of an American merchant vessel captured by a Haitian warship. The Haitian Government surrendered the ship and paid an indemnity after Admiral Luce gave an ultimatum ordering its release before sunset. State, 24.

1889—HAWAII

On July 30, at the request of the American Minister in Honolulu, the U.S.S. Adams sent a marine guard ashore to protect American lives and property during revolutionary disorder. State, 24.

1890—ARGENTINA

The U.S.S. Tallapoosa landed a party in July to protect the American Consulate and Legation in Buenos Aires during a revolt. State, 28.

1891—NAVASSA ISLAND, HAITI

American forces from the U.S.S. Kearsarge landed on June 2 to protect American lives and property during a period of unrest. The action was taken pursuant to Congressional action. State, 24.

1891—BERING SEA

An American squadron operated from June to October, jointly with British naval vessels, seizing four schooners. Rogers, 12.

1891—CHILE

In August, 102 Americans of the South Pacific station landed at Valparaiso during a revolt in order to protect the American Consulate and American lives. State, 24.

1894—BRAZIL

The U.S. Navy engaged in gunfire and a show of force in January to protect American shipping at Rio de Janeiro during a revolt of the Brazilian navy. President Cleveland stated our action "was clearly justified by public law." State, 24.

1894—NICARAGUA

In July, American forces landed at Bluefields to protect American interests during a revolt. State, 24.

1894-1896—KOREA

On July 24, at the request of the American Minister, a force of 21 Marines and 20 sailors landed at Chumulpo and marched to Seoul to protect American lives and property during the Sino-Japanese War. A Marine guard remained at the American Legation until 1896. State, 24.
On December 6, 1894, Marines disembarked from the U.S.S. Baltimore at Taku and marched to Tientsin to protect American lives and property during the Sino-Japanese War. The landing party maintained order until May 16, 1895. USMC, I, 98.

1895—COLOMBIA (STATE OF PANAMA)

Marines from the U.S.S. Atlanta landed in March to protect American interests during a revolt. This appears to have been authorized by treaty. State, 24.

1895—1896—KOREA

During internal disorders from October 11, 1895, to April 3, 1896, the American Legation at Seoul was protected by Marines from various ships. Ellsworth, 60.

1896—NICARAGUA

On May 2, marines were put ashore at Corinto by the U.S.S. Alert during revolutionary disorders to protect American interests. USMC, I, 99.

1898—NICARAGUA

On February 7, Marines landed at San Juan del Sur by the U.S.S. Alert to protect Americans against disorder. USMC, I, 99.

1899—CHINA

American forces guarded the Legation at Peking and the Consulate at Tientsin from November, 1898, to March, 1899, during a period of unrest. President McKinley reported this protective action in his annual message. State, 25.

1899—NICARAGUA

On February 24, in response to a petition from foreign merchants during an insurrection, Marines landed to protect life and property at San Juan del Norte and Bluefields. State, 25.

1899—SAMOA ISLANDS

Sixty Americans landed on February 14 from the U.S.S. Philadelphia, and on April 1 joined a British force in efforts to disperse native rebels. This may have been under color of treaty or statute, State, 25.

1899—1901—PHILIPPINE ISLANDS

The United States employed 126,408 troops against the Philippine Insurrection without a declaration of war after the Treaty of Peace with Spain was concluded. Presumably the United States acted to suppress the rebellion under authority of the Treaty of Peace, which transferred to it the sovereignty possessed by Spain in the Philippine Islands. 40 C. of Claims, 26-32.

1900—1901—"BOXER" REBELLION (PEKING)

In 1900 President McKinley sent 5,000 troops to join the international military force organized for the relief of foreign legations besieged in Peking by Chinese "Boxers." Using troops already mobilized for the Spanish-American War and the Philippine Insurrection, McKinley did not seek authority from Congress. Peace terms were concluded at an international conference, and a peace Protocol was signed September 7, 1901. The Protocol was not submitted to Congress. Because of the obvious inability of Chinese authorities to control local disorders, the United States acquired the right to maintain a guard at Peking for defense of the American Legation and to station military forces at certain points in Chinese territory to keep open communications between Peking and the sea. (Earlier, in 1858, the United States had acquired the right by treaty to station naval vessels in Chinese waters.) State, 3-4.

1901—COLOMBIA (STATE OF PANAMA)

American forces went ashore in late November and stayed until December to protect American property and to keep transit lines open across the Isthmus.
during serious political disturbances. This apparently was authorized by the Treaty of 1846. State, 25.

1902—COLOMBIA (STATE OF PANAMA)

Marine guards landed in April to protect American lives and the railroad across the Isthmus during civil disorders. They continued to land at various times between April and November. This appears to have been authorized by the Treaty of 1846. State, 25.

1902—HONDURAS

American forces disembarked at Puerto Cortez in March to protect the American Consulate and port facilities during a period of revolutionary activity. State, 25.

1903—DOMINICAN REPUBLIC

In April, 29 Marines landed at Santo Domingo, where they remained for three weeks to protect American interests during a period of political disturbances. State, 25.

1904—1904—SYRIA

A Marine guard landed and remained for a few days at Beirut in April to protect the American Consulate during a Moslem uprising. Also our Mediterranean Squadron demonstrated at Beirut from September to January and at Smyrna the next August. State, 25.

1905—PANAMA

A revolution leading to the independence of Panama from Colombia broke out in November. Marines landed from the U.S.S. Tico to prevent Colombian troops from carrying out a threat to kill American citizens, after Commander Hubbard had refused to allow the Colombians to transport their troops across the Isthmus. Marine guards remained on the Isthmus from the date of Panamanian independence (November 4, 1903) until January, 1914, to protect American interests during the construction of the Canal. This was allowed under the Hay-Bunau-Varilla Treaty. State, 25—26.

1908—1904—ABYSSINIA

Twenty-five American marines were sent to protect the U.S. Consul General from November 18, 1903, to January 15, 1904, while he was negotiating a treaty with the Emperor. USMC, I, 108.

1904—DOMINICAN REPUBLIC

On January 3, 7, and 17, and on February 11, over 300 Marines landed at Puerto Plata, Sosua, and Santo Domingo to protect American lives and property during a revolt. USMC, I, 108—109.

1904—MOROCCO

A squadron demonstrated in Moroccan waters in June to force the release of a kidnapped American. A Marine contingent had landed on May 80 to protect the Consul General. State, 26.

1904—PANAMA

American troops were used to protect American lives and property at Ancon in November when a revolt seemed imminent. This action seems to have been authorized by treaty. State, 26.

1904—1905—KOREA

In January, 1904, over 100 American troops were sent to guard the American Legation at Seoul because of the outbreak of the Russo-Japanese War. They remained until November 1905. In March, 1904, marines assisted in the evacuation of American nationals. USMC, I, 108.

1905—1907—DOMINICAN REPUBLIC

After the Senate failed to ratify a treaty providing that the United States should guarantee the integrity of the Dominican Republic, take charge of its
customs, and settle its obligations, President T. Roosevelt nevertheless put its terms into effect for two years until in 1907 the Senate ratified a slightly revised version. Berdahl, 41-42.

1906-1909—CUBA

An American squadron demonstrated off Havana, and, in September, marines landed to protect American interests during a revolution. In October, marine and army units landed and took up quarters in many Cuban towns in connection with the temporary occupation of the country under a provisional governor appointed by the United States. This occupation was within the scope of the provision of the 1903 Treaty of Relations between the two countries, which gave the United States the right to intervene to preserve order. The occupation lasted until January, 1909. State, 26.

1907—HONDURAS

On March 18, during a war between Honduras and Nicaragua, the U.S.S. Marietta disembarked 10 men to guard the American Consulate at Trujillo. The U.S.S. Paducah also landed forces at Laguna and Choloma on April 28. State, 26.

1910—NICARAGUA

In May, one hundred men from the U.S.S. Paducah landed at Greytown to protect American lives and property during a revolt. The U.S.S. Dubuque also engaged in shows of force. Joined combat was "hourly expected," State, 26.

1911—HONDURAS

Sixty men from the U.S.S. Tacoma and Marietta went ashore at Puerto Cortez during a revolt to protect American interests. The American Commander threatened to use force if necessary. State, 26.

1911—CHINA

American forces made six landings to protect American interests during the initial stages of a revolution. They were stationed at Foochow, Chinchiang, Peking, Hankow, Nanking, Shanghai, and Taku. This may have occurred pursuant to treaty rights required during the "Boxer" Rebellion. State, 27.

1912—PANAMA

During June and July, at the request of local political groups, American troops supervised elections outside the Canal Zone. This was impliedly authorized by the Hay-Bunau-Varilla Treaty. State, 27.

1912—CUBA

In May, American troops landed in eastern Cuba during a revolt and remained for three months to protect American interests. This appears to have been authorized by the Treaty of 1903. President Taft telegraphed the President of Cuba that the action was for protection only. Hackworth, 328-329.

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.
1918—CHINA

U.S. forces landed in July at Chappel 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 1941. He writes: “In 1927, for example, this country had 5,670 troops ashore in China and 44 naval vessels in its waters. In 1938 we had 3,027 armed men ashore. All this protective action was in general terms based on treaties with China ranging from 1858 to 1901.” Rogers, 117.

1913—MEXICO

In September a few Marines disembarked at Cisrnis 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. But before Congress acted 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. It was not until April 22, that 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 16, 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, 1916. USMC, 1, 116.

1915—1934—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 1934. 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, 8,000 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—OriNa

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 Ysabel, 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 18, 1916, when Carranza's government acceded, Wilson ordered General John J. Pershing to take U.S. Army units into Mexico. On March 10, 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 and gunners assigned to them from the Navy. His action occurred prior to the declaration of war on Germany which did not take place until April 6, 1917, Willoughby, Ill, 1568.

1917—CUBA

American troops landed in February at Manzanillo 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—OriNa

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, 1868, 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 Bolshevick 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 649 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 65,000 Czech soldiers who were trying to fight their way eastward. The Japanese sent 74,000 soldiers; the Americans sent 8,388; and the British and French provided minor contingents. The Americans 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 troops 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 earlier applied in the zone of the Caribbean. Bordahl, 59.

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, 1, 121.

1919—HONDURAS

A small American force went ashore at Puerto Cortez 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, 1908. Hackworth, 331.

1920—CHINA

In March and August, American forces landed at Klukfang 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. Tocoma 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 impliedly 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.

1922–1928—CHINA

There were five landings by Marines from April, 1922, to November, 1928 (at Peking, Tientsin, Tain, Tingshan, and Masu Island) to protect Americans during periods of unrest. This appears to have been authorized by treaty. USMC, 1, 122–128.

95–708–73—10
There were intermittent landings from February, 1924, to April, 1925, to protect American lives and property during local unrest. In March, 1924, the Denver put ashore 167 men and in September, the U.S.S. Rochester landed 111 additional forces, USMC, I, 123-124.

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, 382-383.

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.

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 Baumer, 108.

American forces landed at Hankow in August and September and at Ching-wangtao in November to protect American interests. This appears 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 5,670 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.

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

During a revolution, United States naval forces demonstrated offshore but no forces landed. This was pursuant to the Treaty of 1908. State, 30.

In January, marines from the U.S.S. Tulsa landed at Foochow to protect the American Consulate, apparently pursuant to treaty rights. USMC, I, 129.
1930—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. (Muster rolls.)

1937—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 18. USMC, 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.

1941—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, 208.

1946—TRIESTE

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 zonal occupation augmented and the reinforcement of our air forces in northern Italy. The Yugoslav Russian offensive against Trieste then quieted. Acheson, 185-186.

1940—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, 15712.

1946—PALESTINE
On July 18, a Marine consular guard was detached from the U.S.S. Kear8arge 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.

1950—1953—KOREAN CONFLICT
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.

1954—1955—TACHEN 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, 15712.

1956—EGYPT
On November 1 and 2, a Marine battalion evacuated over 1,500 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. USMC, 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, 15712.
In January, when mob violence erupted in Caracas, a company of marines embarked on board the U.S.S. Des Moines and remained on station off Venezuela ready to protect American interests. USMC, III, 56.

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, 86.

A period of civil unrest began in Lebanon in May, 1958, led by Moslems 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 6,000 marines to Beirut to "protect American lives" and to "assist 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 26, 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 16, 1960, the 2d Marine Ground Task Force was deployed to protect U.S. nationals during the Ouban crisis. USMC, III, 42.

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 reassert 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 10, 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, 449-600.

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 180 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 23, 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 duty; October 28, when Premier Khrushchev in a message to President Kennedy, announced he had ordered the dismantling of Soviet missile bases in Cuba; November 11, when Deputy Secretary of Defense Gilpatric 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. LRS, I, 24-25; and LRS, II, 1-18.

1963—HAITI

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—CONGO

In August the United States sent four C-130 transport planes with approximately 100 flight and maintenance crews and paratroopers 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 Tshombé and President Kasavubu. Earlier, in July, the United States had sent 68 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 air-dropped by U.S. transport aircraft in the Stanleyville area and liberated most of the hostages. Belgian paratroopers undertook a second rescue operation on November 26, 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. Davids, 296-310.

1964—1973—ARMED ACTIONS IN LAOS

At the request of the Laotian Government, unarmed United States jet planes began flying reconnaissance missions over the Plain des Jarres 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 30 "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, 80.
1964–1973—ARMED ACTION IN VIETNAM

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 88–2 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, 1971).

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 8, 1965, was a major step toward the restoration of stability. State, 14–15.

1967—SYRIAN COAST

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, D-4; Johnson, 302.

1967—CONGO

In July, Lt. General Mobutu, 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 Mobutu, 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 150 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 in December, the last. LRS, III.

1970—CAMBODIA

From April 30 to June 30, U.S. troops attacked Communist sanctuaries in order to insure the success of the program of Vietnamization. LRS, IV, 67.

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 Yasir Arafat, the guerrilla chief, agreed on a cease-fire. N.Y. Times, Oct. 8, 1970, at 1, 12.

Eight 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 Matthew's occupation of the area when he made himself the head of a revolutionary party. State, 16.

1824: Puerto Rico, Spanish territory. Commodore Porter was later courtmartialed for exceeding his powers when he forced an apology from a group of pirates who had insulted American naval officers. State, 17.

1842: Mexico. Commodore T. A. C. Jones occupied Monterrey 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 Matamoros, 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., 586.

1898: 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, 59.

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 COMPILATION

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


Berdahl, C., *War Powers of the Executive in the United States*, 1921. (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 1938) (Not cited, but used generally as cross-check.)

Chardwick, F., *The Relations of the United States and Spain*, 1909. (Cited as Chardwick.)

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


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


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

Hackworth, 2 *Digest of Int’l. Law*, 1940-1944. (Cited as Hackworth.)


Moore, John B., 2 *A Digest of Int’l. Law*, 1906. (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. USNP, 36-37.)

Richardson, J. 7 *A Compilation of the Messages and Papers of the Presidents*, 1967. (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. 9064, August, 1907. (Cited as State.)


United States Marine Corps, Historical Branch, 1 "A Chronology of the United States Marine Corps 1775-1934," 1965. (Cited as USMC I.)

United States Marine Corps, Historical Branch, 2 "A Chronology of the United States Marine Corps 1935-1946," 1965. (Cited as USMC II.)


United States Marine Corps Master rolls, available at Unit Dairy 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.

Only the primary sources are cited, although in several instances the summary was prepared from a composite of information published in several of the sources referred to above.
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
1798-1800: Naval War with France. The U.S. fought primarily for the protection of its free commerce.
1801-1805: War with Tripoli. The U.S. upheld its right of free commerce.
1814-1825: Caribbean Area. The U.S. sunk or captured 65 vessels to protect American commerce.
1815: Second Barbary War. The U.S. acted to provide effective protection to American commerce.
1844: Mexico. President Tyler deployed our troops to protect Texas one year before annexation.
1846: Mexico. President Polk ordered General Scott to occupy disputed territory between the Nueces and the Rio Grande.
1858: Cuban waters. President Buchanan ordered a naval force to Cuban waters to protect all vessels of the U.S. on the high seas from search or detention by the vessels of war of any other nation.
1864: Japan. U.S. Naval units participated in a joint effort to force open the Straits of Shimonoseki for the free conduct of international commerce.
1865-1866: Mexican border. General Sheridan and 50,000 U.S. troops backed up a demand from Secretary of State Seward that French forces withdraw from Mexico.
1869-1871: Dominican Republic. President Grant sent a strong naval force to protect the Dominican Republic during his efforts to annex the island.
1888-1889: Samoan Islands. Germany and the United States were close to warfare due to their rivalry over naval privileges in the Samoans.
1899: Philippine Insurrection. The United States used 126,468 troops against the Philippine Insurrection in order to preserve and foster any rights it had acquired from Spain.
1900-1901: Boxer Rebellion (Peking). The U.S. sent 5000 troops and marines to relieve foreign legations in Peking and to keep open communication between Peking and the sea.
1903-1914: Panama. Marine guards landed and remained on the Isthmus to protect construction of the Canal.
1905-1907: Dominican Republic. President Roosevelt ordered the administration of the affairs of the Dominican Republic by the U.S. in implementation of the Monroe Doctrine.
1906-1909: Cuba. The U.S. temporarily occupied Cuba to preserve order.
1912: Cuba. American troops remained three months to preserve order.
1915-1924: Dominican Republic. U.S. troops occupied Santo Domingo and supported a military governor in the Dominican Republic.
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.