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

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

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

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

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

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

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

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

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

Department of State Comments

(As of the time this publication went to press the comments of the Department of State, requested on Dec. 11, 1969, had not been received.)
B. Relevant area resolutions

12. TROOPS TO EUROPE

(a) Senate Resolution 99, 82d Congress, agreed to April 4, 1951

RESOLUTION

Whereas the foreign policy and military strength of the United States are dedicated to the protection of our national security, the preservation of the liberties of the American people, and the maintenance of world peace; and

Whereas the North Atlantic Treaty, approved by the Senate by a vote of 82–13, is a major and historic act designed to build up the collective strength of the free peoples of the earth to resist aggression, and to preserve world peace; and

Whereas the security of the United States and its citizens is involved with the security of its partners under the North Atlantic Treaty, and the commitments of that treaty are therefore an essential part of the foreign policy of the United States; and

Whereas article 3 of the North Atlantic Treaty pledges that the United States and other parties thereto “separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack”; and

Whereas recent events have threatened world peace and as a result all parties to the North Atlantic Treaty are individually and collectively mobilizing their productive capacities and manpower for their self-defense; and

Whereas the free nations of Europe are vital centers of civilization, freedom, and production, and their subjugation by totalitarian forces would weaken and endanger the defensive capacity of the United States and the other free nations; and

Whereas the success of our common defense effort under a unified command requires the vigorous action and the full cooperation of all treaty partners in the supplying of materials and men on a fair and equitable basis, and General Eisenhower has testified that the “bulk” of the land forces should be supplied by our European allies and that such numbers supplied should be the “major fraction” of the total number; Now, therefore, be it

Resolved, That—

1. The Senate approves the action of the President of the United States in cooperating in the common defensive effort of the North Atlantic Treaty nations by designating, at their unanimous request, General of the Army Dwight D. Eisenhower as Supreme Allied Commander, Europe, and in placing Armed Forces of the United States in Europe under his command;

2. it is the belief of the Senate that the threat to the security of the United States and our North Atlantic Treaty partners makes it necessary for the United States to station abroad such units of our Armed Forces as may be necessary and appropriate to contribute our fair share of the forces needed for the joint defense of the North Atlantic area;
3. it is the sense of the Senate that the President of the United States as Commander in Chief of the Armed Forces, before taking action to send units of ground troops to Europe under article 3 of the North Atlantic Treaty, should consult the Secretary of Defense and the Joint Chiefs of Staff, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Armed Services Committees of the Senate and the House of Representatives, and that he should likewise consult the Supreme Allied Commander, Europe;

4. it is the sense of the Senate that before sending units of ground troops to Europe under article 3 of the North Atlantic Treaty, the Joint Chiefs of Staff shall certify to the Secretary of Defense that in their opinion the parties to the North Atlantic Treaty are giving, and have agreed to give full, realistic force and effect to the requirement of article 3 of said treaty that "by means of continuous and effective self-help mutual aid" they will "maintain and develop their individual and collective capacity to resist armed attack," specifically insofar as the creation of combat units is concerned;

5. the Senate herewith approves the understanding that the major contribution to the ground forces under General Eisenhower's command should be made by the European members of the North Atlantic Treaty, and that such units of United States ground forces as may be assigned to the above command shall be so assigned only after the Joint Chiefs of Staff certify to the Secretary of Defense that in their opinion such assignment is a necessary step in strengthening the security of the United States; and the certified opinions referred to in paragraphs 4 and 5 shall be transmitted by the Secretary of Defense to the President of the United States, and to the Senate Committees on Foreign Relations and Armed Services, and to the House Committees on Foreign Affairs and Armed Services as soon as they are received;

6. it is the sense of the Senate that, in the interests of sound constitutional processes, and of national unity and understanding, congressional approval should be obtained of any policy requiring the assignment of American troops abroad when such assignment is in implementation of article 3 of the North Atlantic Treaty; and the Senate hereby approves the present plans of the President and the Joint Chiefs of Staff to send four additional divisions of ground forces to Western Europe, but it is the sense of the Senate that no ground troops in addition to such four divisions should be sent to Western Europe in implementation of article III of the North Atlantic Treaty without further congressional approval;

7. it is the sense of the Senate that the President should submit to the Congress at intervals of not more than six months reports on the implementation of the North Atlantic Treaty, including such information as may be made available for this purpose by the Supreme Allied Commander, Europe;

8. it is the sense of the Senate that the United States should seek to eliminate all provisions of the existing treaty with Italy which impose limitations upon the military strength of Italy
and prevent the performance by Italy of her obligations under the North Atlantic Treaty to contribute to the full extent of her capacity to the defense of Western Europe;

9. it is the sense of the Senate that consideration should be given to the revision of plans for the defense of Europe as soon as possible so as to provide for utilization on a voluntary basis of the military and other resources of Western Germany and Spain, but not exclusive of the military and other resources of other nations.

(b) Legislative history

TROOPS TO EUROPE

Background.—As a result of the President's announcement on September 9, 1950, that there would be a substantial increase in United States forces stationed in Western Europe and his announcement on December 19, 1950, of General Eisenhower's appointment as Supreme Allied Commander, Europe, a great deal of concern was expressed as to the nature and extent of American manpower contributions to the defense of Western Europe. A debate on foreign policy—the so-called great debate—was touched off immediately when the Eighty-second Congress convened. On January 8, 1951, Senator Wherry introduced Senate Resolution 8, which after 2 weeks of floor debate was referred to the Senate Foreign Relations and Armed Services Committees jointly.

Committee action.—The joint committee held its first meeting on the afternoon of February 1, 1951, to hear General Eisenhower in executive session after his report to a joint meeting of Congress on the situation in Europe. During the public hearings from February 15 until February 28, the preponderant weight of testimony endorsed the appointment of General Eisenhower and favored approval of the President's decision to send four additional divisions of American ground forces to Europe. Chairman Connally and Chairman Russell drafted a resolution giving voice to these sentiments, and this draft resolution was considered by the committees during the seven executive sessions that followed. A number of amendments were adopted, the most important of which were:

1. An amendment by Senator Lodge, predicated on the despatch of additional U.S. troops upon a certification by the Joint Chiefs of Staff that the NATO countries are doing their utmost to develop their capacity for self-defense.

2. A second amendment by Senator Lodge, stating the Senate's understanding that the bulk of the troops for the NATO forces in Europe were to be supplied by our European partners and that United States troops would be assigned to Europe only after certification by the Joint Chiefs of Staff that such action was necessary and in the interests of United States security. Both certifications were to be transmitted to the appropriate Senate and House committees.

3. An amendment by Senator Smith of New Jersey; stating that, in the opinion of the Senate, congressional approval should

1 Legislative History of the Committee on Foreign Relations, 82d Cong., S. Doc. 82-161, pp. 21-28.
be obtained by the President before sending any divisions to General Eisenhower, under article 3 of the North Atlantic Treaty, and approving the sending of four additional divisions to Europe.

Before voting finally on the draft resolution, the committee discussed the question of what form the resolution should take. It was finally agreed to report a Senate resolution which would not require House concurrence for quick action, and a concurrent resolution which would in effect invite the House to participate in the decision. Both resolutions were identical in language except that the Senate resolution referred to “the Senate” while the concurrent resolution referred to “the Congress”. On March 8, 1951, they were ordered reported as Senate Resolution 99 by a vote of 23 to 0 and as Senate Concurrent Resolution 18, by a vote of 16 to 8. A few days later the committee had another meeting to give final approval to the language of the resolutions.

**Senate action.**—The Senate began debate on the two resolutions on March 16, 1951, and approved them on April 4, 1951. The major issues in the debate revolved around the constitutional powers of the President and Congress with respect to the use of the Armed Forces and the over-all defense strategy for the free world. On the constitutional question the debate centered on whether or not the President has the power to send United States ground forces to Europe to participate in an “international army” without specific congressional authorization. A further point in the discussion involved the interpretation of article 3 of the North Atlantic Treaty relative to the development of individual and collective capacity to resist armed attack. On the defense aspects of the debate, the Senate examined thoroughly the military security interests of the United States on a global basis. The preponderant sentiment was in favor of sending the four divisions to Europe to partake in the defense of that continent, in the belief that an attack on free Europe would endanger the security of the United States.

Before voting on the resolutions, the Senate adopted several amendments. One expressed the sense of the Senate that the United States should seek revision of the Italian Peace Treaty to permit Italy to make a greater contribution to the defense of Western Europe (by Senator Watkins). Another specified that no ground troops in addition to the four divisions should be sent to Europe without further congressional approval (by Senator McClellan). A third amendment provided that the defense plans of Europe be revised so as to provide for the utilization of the military resources of Spain and Germany on a voluntary basis (by Senator McCarthy)¹. Several attempts to modify these amendments failed. Senate Resolution 99, as amended, was passed by the vote of 69 to 21 on April 4, 1951. Immediately thereafter Senate Concurrent Resolution 18 was taken up, and amended so as to conform to Senate Resolution 99. There was one change, however, namely the inclusion of Greece and Turkey in the amendment relating to the utilization on a voluntary basis of the military resources of Spain and Germany. Senate Concurrent Resolution 18 was then passed by a vote of 46 to 41.

¹ Joseph R. McCarthy of Wisconsin.
Provisions of the resolutions.—The resolutions as passed by the Senate stated the sense of the Senate (or Congress) (1) That it approves the appointment of General Eisenhower as Supreme Allied Commander, Europe, and the decision to place Armed Forces of the United States in Europe under his command; (2) that the security of the United States and the NATO countries is so threatened that it is necessary to station United States troops abroad for the joint defense effort; (3) that the President should consult the Secretary of Defense, the Joint Chiefs of Staff, the Foreign Relations and Armed Services Committees of the Senate and House, and the Supreme Commander, Europe, before sending additional troops to Europe under article 3 of the North Atlantic Treaty; (4) that the Joint Chiefs of Staff should certify to the Secretary of Defense that our allies are doing their fair share under article 3 of the North Atlantic Treaty before any troops are sent; (5) that the major portion of the ground forces under SHAPE should be supplied by our NATO partners and the Joint Chiefs of Staff should certify their opinion that the sending of United States troops is necessary to strengthen the security of the United States; (6) that congressional approval should be obtained of any policy requiring the sending of troops to Europe under article 3 of the North Atlantic Treaty; approval was given for the sending of four divisions of ground troops, but it was stated that the dispatch of additional divisions should also be subject to congressional approval; (7) that regular reports to Congress should be submitted by the President on how the North Atlantic Treaty is implemented; (8) that the peace treaty with Italy should be revised to modify limitations on her military strength, thereby enabling her to increase her contributions to the mutual defense of free Europe; and (9) that the defense plans of Europe should be revised to provide for the utilization on a voluntary basis of the military and other resources of Western Germany and Spain (and, in S. Con. Res. 18, Greece and Turkey).
ASSIGNMENT OF GROUND FORCES OF THE UNITED STATES TO DUTY IN THE EUROPEAN AREA

The joint committee made up of the Committee on Foreign Relations and the Committee on Armed Services, having had under consideration Senate Resolution 8, Eighty-second Congress, first session, which declares it to be the sense of the Senate that no United States ground forces should be assigned to duty in the European area for the purposes of the North Atlantic Treaty, pending the adoption of a policy with respect thereto by the Congress, reports two resolutions of its own (S. Res. 99 and S. Con. Res. 18) for the consideration of the Senate.

The report that follows is directed to Senate Resolution 99. However, inasmuch as the language of the two resolutions is identical, the report applies equally to Senate Concurrent Resolution 18.
PART I. BACKGROUND

1. PURPOSE OF THE RESOLUTION

The resolution endorses the appointment of General Eisenhower as Supreme Allied Commander, Europe, and approves the present plans of the administration to send four additional divisions of United States ground troops to Europe as our contribution to the integrated defense of the North Atlantic area. It expresses the sense of the Senate that congressional approval should be obtained of any policy which may in the future require the assignment of American troops abroad under article 3 of the North Atlantic Treaty. It also requires certification by the Joint Chiefs of Staff that certain conditions specified in the resolution have been met before such troops will be sent.

2. TEXT OF THE RESOLUTION

The text of the two resolutions is identical except that where the Senate resolution refers to the Senate, the concurrent resolution refers to the Congress. The text of the Senate resolution is reproduced below.

[S. Res. 99]
RESOLUTION

Whereas the foreign policy and military strength of the United States are dedicated to the protection of our national security, the preservation of the liberties of the American people, and the maintenance of world peace; and
Whereas the North Atlantic Treaty, approved by the Senate by a vote of 82-13, is a major and historic act designed to build up the collective strength of the free peoples of the earth to resist aggression, and to preserve world peace; and
Whereas the security of the United States and its citizens is involved with the security of its partners under the North Atlantic Treaty, and the commitments of that treaty are therefore an essential part of the foreign policy of the United States; and
Whereas article 3 of the North Atlantic Treaty pledges that the United States and the other parties thereto "separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack"; and
Whereas recent events have threatened world peace and as a result all parties to the North Atlantic Treaty are individually and collectively mobilizing their productive capacities and manpower for their self-defense; and
Whereas the free nations of Europe are vital centers of civilization, freedom, and production, and their subjugation by totalitarian forces would weaken and endanger the defensive capacity of the United States and the other free nations; and
Whereas the success of our common defense effort under a unified command requires the vigorous action and the full cooperation of all treaty partners in the supplying of materials and men on a fair and equitable basis, and General Eisenhower has testified that the "bulk" of the land forces should be supplied by our European allies and that such numbers supplied should be the "major fraction" of the total number: Now, therefore, be it
Resolved, That—
1. the Senate approves the action of the President of the United States in cooperating in the common defensive effort of the North Atlantic Treaty nations by designating, at their unanimous request, General of the Army Dwight D. Eisenhower as Supreme Allied Commander, Europe, and in placing Armed Forces of the United States in Europe under his command;
2. it is the belief of the Senate that the threat to the security of the United States and our North Atlantic Treaty partners makes it necessary for the United States to station abroad such units of our Armed Forces as may be necessary and appropriate to contribute our fair share of the forces needed for the joint defense of the North Atlantic area;
3. It is the sense of the Senate that the President of the United States as Commander in Chief of the Armed Forces, before taking action to send units of ground troops to Europe under article 3 of the North Atlantic Treaty should consult the Secretary of Defense and the Joint Chiefs of Staff, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Armed Services Committees of the Senate and the House of Representatives, and that he should likewise consult the Supreme Allied Commander, Europe;

4. It is the sense of the Senate that before sending units of ground troops to Europe under article 3 of the North Atlantic Treaty, the Joint Chiefs of Staff shall certify to the Secretary of Defense that in their opinion the parties to the North Atlantic Treaty are giving, and have agreed to give full, realistic force and effect to the requirement of article 3 of said treaty that "by means of continuous and effective self-help and mutual aid" they will "maintain and develop their individual and collective capacity to resist armed attack," specifically insofar as the creation of combat units is concerned;

5. The Senate herewith approves the understanding that the major contribution to the ground forces under General Eisenhower's command should be made by the European members of the North Atlantic Treaty, and that such units of United States ground forces as may be assigned to the above command shall be so assigned only after the Joint Chiefs of Staff certify to the Secretary of Defense that in their opinion such assignment is a necessary step in strengthening the security of the United States; and the certified opinions referred to in paragraphs 4 and 5 shall be transmitted by the Secretary of Defense to the President of the United States, and to the Senate Committees on Foreign Relations and Armed Services, and to the House Committees on Foreign Affairs and Armed Services as soon as they are received;

6. It is the sense of the Senate that, in the interests of sound constitutional processes, and of national unity and understanding, congressional approval should be obtained of any policy requiring the assignment of American troops abroad when such assignment is in implementation of article 3 of the North Atlantic Treaty; and the Senate hereby approves the present plans of the President and the Joint Chiefs of Staff to send four additional divisions of ground forces to Western Europe;

7. It is the sense of the Senate that the President should submit to the Congress at intervals of not more than six months reports on the implementation of the North Atlantic Treaty, including such information as may be made available for this purpose by the Supreme Allied Commander, Europe.

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**PART II. ANALYSIS OF THE RESOLUTION**

6. ANALYSIS OF RESOLUTION

**Preamble**

The seven clauses of the preamble set forth the reasons for the resolution and the background against which it was drafted. The clauses state that American foreign policy and military strength are designed to protect national security, preserve American liberties, and maintain world peace. It is noted that world security is threatened and that the subjugation of the free people of Europe would endanger our defensive capacity. Accordingly, it is important to all the North Atlantic Treaty partners that each should carry out its obligation of developing its collective and individual capacities to resist armed attack; in the interests of common defense, each partner should contribute its share of men and materials on a fair and equitable basis. All parties to the North Atlantic Treaty are now collectively mobilizing their productive capacities and manpower for self-defense, and General Eisenhower has testified that our European partners will supply the "bulk" of the land forces.
Paragraph 1—Approval of Eisenhower appointment

The first operative paragraph of the resolution "approves the action of the President of the United States in cooperating in the common defensive effort of the North Atlantic Treaty nations by designating, at their unanimous request, General of the Army Dwight D. Eisenhower as Supreme Allied Commander, Europe, and in placing armed forces of the United States in Europe under his command." The committee notes the following passage in the President's appointing letter to General Eisenhower: "** ** I have designated you as Supreme Commander, Europe. ** ** You are hereby assigned operational command, to the extent necessary for the accomplishment of your mission, of the United States Army Forces, Europe; United States Air Forces, Europe; and the United States Naval Forces, Eastern Atlantic and Mediterranean."

The President's action took place on December 19, 1950, the day on which the North Atlantic Council completed plans for an integrated defense force under a unified, centralized command and invited the President to appoint General Eisenhower. The committee considers the choice a wise and a popular one, which should speed the accomplishment of the objectives of the North Atlantic Treaty. It, therefore, recommends unanimously that the Senate express its endorsement of the action of the President in appointing General Eisenhower to this important post.

Paragraph 2—Stationing United States armed forces in Western Europe

Paragraph 2 expresses the belief of the Senate that the security of the United States and our North Atlantic Treaty partners is so threatened that the United States finds it necessary as its contribution to the joint defense efforts, to station abroad units of American armed forces necessary to constitute our fair share of the joint defense forces of the North Atlantic Treaty nations.

In considering the number of American troops to be stationed abroad under article 3 of the North Atlantic Treaty, the committee considered the advisability of fixing a ratio between the number of American troops to be sent to Europe and the number of ground forces to be supplied by our partners. The committee felt it undesirable to fix such a ratio and instead sought to indicate the number of American troops to be stationed abroad by use of the phrase "fair share."

Interpretation of the phrase "fair share" involves an estimate of what the other partners are doing as their fair share in building joint defenses. Since the committee in paragraph 6 approves the dispatch of four additional divisions to Western Europe, thus contemplating United States forces in Western Europe totaling approximately six divisions, this figure is apparently accepted as our fair contribution at this time in the light of our allies' efforts. In this connection it should be noted that paragraph 5 indicates that the major contribution to the ground forces under General Eisenhower's command should be made by the European members of the North Atlantic Treaty.

The reference in this paragraph to "units of our Armed Forces," is a reference not only to ground troops, but also to other units of our military forces which may be stationed abroad from time to time as an American contribution to the joint defense of the North Atlantic area.
Paragraph 3—Consultation

This paragraph expresses the sense of the Senate that before the President, as Commander in Chief of the Armed Forces, sends ground troops to Europe under article 3 of the North Atlantic Treaty, he should consult the congressional committees primarily concerned with the formulation of foreign and military policies. The joint committee believes that, in such important matters which involve the security of the United States and world peace, the Congress should be kept informed of developments and should be in a position to participate in the formulation of major policy steps. In this way the unity of purpose and action on the part of the Executive and the Congress so necessary to public understanding and the full cooperation of the American people will be assured. In order to bring about complete coordination, the resolution also provides that the President should consult the Supreme Allied Commander, Europe, the Joint Chiefs of Staff, and the Secretary of Defense.

Two points should be emphasized in connection with the consultation procedure provided for in paragraph 3. In the first place, the use of the word "before" makes it perfectly clear that consultation should take place before and not after ground forces are assigned to Europe under the North Atlantic Treaty. In the second place, in view of the express terms of paragraph 6, the consultation recommended in paragraph 3 does not apply to the four divisions of ground forces which are to be sent to Western Europe in accordance with the present plans of the President and the Joint Chiefs of Staff.

Paragraphs 4-5—Certification by Joint Chiefs of Staff

Paragraph 4 expresses the sense of the Senate that, in advance of sending additional ground troops to Europe under article 3 of the North Atlantic Treaty, the Joint Chiefs of Staff shall certify that the parties to the treaty are doing their part under that article, especially with respect to the creation of combat units.

It is important to make sure that our partners are contributing their fair share toward the common defense. It is especially important in building the new integrated defense force under General Eisenhower that full cooperation shall be given by those associated with us in the venture. This is particularly true of the creation of combat units. In order to assure the American people and the Congress that these purposes are being served, certification of the Joint Chiefs of Staff to that effect is required.

Paragraph 5 incorporates two principal points: The first is that it makes clear the sentiment of the Senate that the major portion of the ground forces under General Eisenhower's command shall be furnished by the European members of the North Atlantic Treaty. The second is that prior to the assignment of such United States ground troops for service abroad, the Joint Chiefs of Staff shall certify that in their opinion such assignment is a necessary step in strengthening the security of the United States.

Paragraph 5 also sets up the procedure whereby the certification is to be carried out. It will be noted that in both cases the certified opinions referred to are to be transmitted to the appropriate committees of the Congress.
Paragraph 6—Congressional approval

Paragraph 6 puts the Senate on record with respect to two important matters: In the first place, it states that congressional approval should be obtained of any policy requiring the sending of troops abroad under article 3 of the North Atlantic Treaty. The committee believes that such approval will promote national unity and understanding and will be in accord with sound constitutional processes.

In the second place, it approves the present plans of the administration to send four additional divisions of American troops to bolster the joint defense of Western Europe. There was no divergence of views within the joint committee on this point. The committee wishes to underline the importance of this unanimous decision on one of the most significant policy issues which has confronted our country since the end of World War II. It believes that such unity, which reflects the support of the American people, will be extremely helpful in developing the morale of our European partners and in building the collective strength of the North Atlantic Treaty area.

Paragraph 6 is limited in scope. It refers only to ground troops sent abroad for the purpose of implementing article 3 of the North Atlantic Treaty. It does not call for congressional approval to send naval or air forces abroad. It does not apply to American troops in occupied areas or to armed forces sent to Europe under article 5 of the North Atlantic Treaty. Nor is it concerned with armed forces which the President might send abroad under his constitutional powers as Commander in Chief of the Army and Navy.

The term "congressional approval" as used in paragraph 6 is subject to different interpretations. On the one hand, some members of the joint committee expressed the view that congressional approval could only be given by formal legislation. Others believed that both the letter and the spirit of paragraph 6 might be met, in certain circumstances, as the result of consultation by the administration with, and the approval of, the appropriate committees of the Congress. In any event, it should be noted that the resolution expresses the sense of the Senate that congressional approval should be given; it is not a legislative mandate.

Paragraph 7—Reports to Congress

This paragraph calls upon the President to submit reports to the Congress periodically on how the North Atlantic Treaty is being implemented. It also calls upon him to include such information as the Supreme Allied Commander, Europe, may make available. Similar provisions are to be found in many of the recent acts of Congress dealing with foreign relations of the United States, notably the Mutual Defense Assistance Act and the Economic Cooperation Act.

PART III. PROBLEMS AND ISSUES

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16. CONSTITUTIONAL POWERS OF THE PRESIDENT AND CONGRESS

One of the most perplexing problems that the joint committee faced related to the constitutional authority of the President to send American ground forces abroad in time of peace to serve as part of an inte-
grated defense force. While the Constitution states that the President "shall be Commander in Chief of the Army and Navy of the United States" (Art. II, sec. 2, clause 1), this broad grant of power is not defined. On the other hand, the Constitution gives Congress authority which, in a number of respects, bears upon the President's power. Thus, Congress has power to make rules "for the government and regulation of land and naval forces" (Constitution, Art. I, sec. 8, clause 14); to declare war (ibid., clause 11); to provide and maintain a Navy (ibid., clause 13); to raise and support armies (ibid., clause 12); and last, but not least, "to lay and collect taxes" to "provide for the common defense" (ibid., clause 1).

Some witnesses before the committee took the position that the President would be usurping a congressional function in sending American troops abroad in time of peace to serve as part of what was described as an "international army." Others maintained that if the President has authority to send American troops abroad in time of war or for the protection of American lives and property, he also has the duty in time of peace to organize our defenses in the most effective way to assure victory if the security of the United States should be endangered by an attack anywhere; this includes authority for the President to put American troops into an integrated defense force if advisable.

No question was raised as to the authority of the President to send American troops to enemy territory to serve as part of an occupation army, which of course is the situation with respect to Germany, Austria, and Japan, with whom formal peace treaties have not yet been concluded.

With the exact line of authority between the President and the Congress in doubt for the past 160 years, the committee did not endeavor to resolve this issue definitively at this time. Attention is invited, however, to two documents which may be of help in analyzing the matter: one, prepared by the executive departments, sets forth the position of the Executive (Powers of the President to Send the Armed Forces Outside the United States, prepared for the use of the joint committee made up of the Committee on Foreign Relations and the Committee on Armed Services of the Senate, February 28, 1951); and the other, a collection of opinions on the subject prepared by the House Committee on Foreign Affairs (Background Information on the Use of United States Armed Forces in Foreign Countries, February 15, 1951).

It should be noted in this connection that paragraph 1 of the operative parts of the pending resolution does approve the "action of the President * * * in cooperating in the common defense effort of the North Atlantic Treaty nations by designating * * * General * * * Eisenhower as supreme allied commander, and in placing the armed forces of the United States, Europe, under his command." Thus, by approving the placing of United States armed forces in Europe under the command of General Eisenhower the Senate is endorsing their service in the international integrated defense force of which General Eisenhower is supreme commander.

Paragraph 2 expresses the belief it is "necessary for the United States to station abroad such units of our armed forces as may be necessary and appropriate to contribute our fair share of the forces needed for the joint defense of the North Atlantic areas." By this
the belief is expressed that our fair share of the troops necessary should be contributed for joint defense—the joint defense being that which General Eisenhower will organize as Supreme Commander.

In considering the power of the President to send American armed forces abroad, the committee was aware that his constitutional authority to use our armed forces abroad would be the same whether applied to ground, air, or naval forces. It also understood that General Eisenhower will command all units—land, air, or sea—within his jurisdiction. The committee was primarily concerned, however, with the policy with respect to the assignment of American ground forces to Europe because of the numbers of men involved and the concern on the part of some individuals that sending additional ground troops now might be but a first step in sending larger contingents to Europe.

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PART IV. CONCLUSIONS

20. THE COMMITTEE CONCLUSIONS

The joint committee believes that the national security of the United States requires the sending of four additional divisions of United States ground troops to Western Europe to serve as part of the integrated defensive force in the North Atlantic community. In thus developing the collective strength of the North Atlantic area, the aim of the treaty partners is threefold: (1) to prevent the outbreak of war by building deterrent power in Western Europe; (2) to make sure that the Soviet Union will not accomplish its purposes by means of indirect aggression; and (3) to make certain that the free nations are strong enough to defend themselves if war is thrust upon them.

The committee desires to emphasize again that the primary purpose in approving the transfer of additional American forces to Western Europe is to seek to maintain peace by building up defensive strength, rather than by inviting attack because of existing weakness. The committee reiterates the fact that the American people want peace, but they will not permit their freedom to be destroyed by overwhelming military force controlled by the Kremlin.

13. THE FORMOSA RESOLUTION

(a) Public Law 84-4, approved January 29, 1955

JOINT RESOLUTION Authorizing the President to employ the Armed Forces of the United States for protecting the security of Formosa, the Pescadores and related positions and territories of that area

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

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

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

Whereas the President of the United States on January 6, 1955, submitted to the Senate for its advice and consent to ratification a Mutual Defense Treaty between the United States of America and the Republic of China, which recognizes that an armed attack in the West Pacific area directed against territories, therein described, in the region of Formosa and the Pescadores, would be dangerous to the peace and safety of the parties to the treaty: Therefore be it Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.

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

(b) Legislative history

FORMOSA RESOLUTION 1

The first important item of business considered by the Foreign Relations Committee in the 84th Congress was a message from the President of the United States of January 24, 1955, requesting the Congress to authorize him to use the Armed Forces of the United States in the defense of Formosa, the Pescadores, and related positions and territories in that area. The occasion for his message was the successful attack on the island of Ichiang, a Chinese offshore island held by the Nationalist forces but captured by the Communist Chinese forces. The President felt there was danger that if this Government did not make clear its determination to assist in the defense of these areas, the Chinese Communists might misjudge our intentions and continue their attacks on the Tachen Islands, Quemoy, and Matsu.

The Senate by unanimous agreement referred the President’s message, as well as Senate Joint Resolution 28 introduced by Senator George, to the Committee on Foreign Relations and the Committee on Armed Services for consideration. The joint committee, under the chairmanship of Senator George, heard Secretary of State Dulles in executive session on January 24 and the Joint Chiefs of Staff, under

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1 Legislative History of the Committee on Foreign Relations, 84th Cong., S. Doc. 84–150, pp. 14–15.
the Chairmanship of Admiral Arthur W. Radford, on January 25. On January 26, by a vote of 27 to 2, with 1 absent, the joint committee favorably reported Senate Joint Resolution 28 to the Senate without amendment.

Debate began on January 26 and continued through January 28, at which time the resolution was passed by a vote of 55 to 3.

During debate an amendment, offered by Senator Lehman, to strike out reference to areas other than Formosa and the Pescadores, was defeated. An amendment by Senator Langer, which would have limited the operation of American Armed Forces to areas more than 12 miles off the China coast, was also defeated. A substitute resolution offered by Senator Kefauver, couched in terms of expressing the "sense of the Senate" instead of "authorizing" the President to take action, was also rejected. A resolution (Senate Resolution 55) introduced by Senator Humphrey, which would have expressed the sense of the Senate that it would be in the interests of the United States for the United Nations to take prompt action to bring about a cease-fire, was introduced during the debate and referred to the Committee on Foreign Relations. That resolution was considered by the committee on February 1, 1955, and its further consideration was postponed.

Senate Joint Resolution 28, as passed, provided that "the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores."

(c) Senate Report 13, January 26, 1955 (excerpts)
AUTHORIZING THE PRESIDENT TO EMPLOY THE ARMY OF THE UNITED STATES FOR PROTECTING THE SECURITY OF FORMOSA, THE PESCADORES, AND RELATED POSITIONS AND TERRITORIES OF THAT AREA

The Committee on Foreign Relations and the Committee on Armed Services, hereinafter referred to as the “joint committee,” having had under consideration the President’s message of January 24, 1955, recommending action to meet certain threats to the peace and security of the United States, and Senate Joint Resolution 28, report the resolution supporting the President in his recommendations, and recommend that it do pass.

PURPOSE OF RESOLUTION

It is the purpose of this resolution to make it clear that it is essential to the vital interests of the United States that Formosa and the Pescadores remain in friendly hands and that the President of the United States is authorized to employ the Armed Forces of this Nation for that purpose.

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REASONS FOR THE RESOLUTION

The President, in his message to the Congress recommending the enactment of the pending resolution, stated that—

The most important objective of our Nation’s foreign policy is to safeguard the security of the United States by establishing and preserving a just and honorable peace. In the western Pacific, a situation is developing in the Formosa Straits, that seriously imperils the peace and our security.

The recent action of the Chinese Communist Government in attacking the Tachen group of islands and its statements to the effect that “the Government of the People’s Republic of China...” is “determined to liberate their own territory of Taiwan” indicate that the Chinese Communists are contemplating the use of force to capture Formosa and neighboring islands. Probing operations are underway to test the determination of the Republic of China and the United States in their resolve to prevent Formosa and the Pescadores from falling into unfriendly hands. Under these circumstances, the President in his message stated:

In the interest of peace, therefore, the United States must remove any doubt regarding our readiness to fight, if necessary, to preserve the vital stake of the free world in a free Formosa, and to engage in whatever operations may be required to carry out that purpose.

The resolution is designed to stabilize the area by spelling out the action the United States will take to protect Formosa and the Pescadores against armed attack. If we make our intentions clear now, we may avert more serious consequences at a later time. This resolution underlines the fact that the President has the full support of Congress in the use of the Armed Forces in the protection of our vital interests in this area.
THE RISKS INVOLVED

The course of action to which this resolution commits the United States is not without danger. There is the possibility, for example, that the Chinese Communist regime may think that our action is a bluff. Should the Communist regime proceed on that assumption, the American people must realize that under this resolution, the President of the United States could use the Armed Forces of the United States in the defense of Formosa, the Pescadores, and "such related positions and territories of that area now in friendly hands." Indeed, the resolution is broad enough in its language so that the President, if he finds it necessary, might take appropriate action in the area in the event Chinese Communist forces should be grouped in such a way as to present a clear and immediate threat to the security of Formosa or the Pescadores. This resolution would be indicative of congressional support for such action.

The question was raised during joint committee consideration of the pending resolution as to whether action taken by the United States under these circumstances might bring into effect the Soviet-Chinese Treaty of February 14, 1950. Article I of that treaty provides in part:

In the event of lone of the High Contracting Parties being attacked by Japan or states allied with it, and thus being involved in a state of war, the other High Contracting Party will immediately render military and other assistance with all the means at its disposal.

There is, of course, a possibility that the Chinese Communists might seek to invoke the treaty for the purpose of enlisting the support of the Soviet Union. This is a calculated risk which the United States must take. Two points should be noted in this connection, however. In the first place it is not the intention of the United States to take aggressive action against any country. In the second place, the language of the Soviet-Chinese Treaty is open to widely different interpretations. The executive branch indicated to the joint committee that it very much doubts whether the terms of the treaty would be invoked even if further difficulties should arise between the United States and Communist China.

THE INTEREST OF THE UNITED NATIONS

Members of the joint committee are hopeful that the United Nations might soon be in a position to take appropriate action to bring an end to hostilities in the Formosan Straits. The committee ventures to express such a hope despite the fact that the Peiping radio on January 25 stated that "Taiwan is an inalienable part of China's territory. The liberation of Taiwan is a matter of China's sovereignty and internal affairs. No outside interference is allowed."

The joint committee agrees with the President who stated that he would "welcome action by the United Nations which might, in fact, bring an end to the active hostilities in the area." The joint committee cannot agree that the use of force in this area is a matter of domestic concern to the Government of the Republic of China or to the Chinese Communist Government. The use of force, under the circumstances existing in that area, threatens the peace of the Western
Pacifio and the whole Far East. The joint committee questioned Mr. Dulles closely as to whether a solution might be forthcoming in the near future in the United Nations. The Secretary indicated that this Government would do its utmost to encourage and support the United Nations in bringing a cease-fire into effect in this area.

Whatever the origin of hostilities between the island of Formosa and the China mainland, the fact is that they endanger the peace of the world. The joint committee did not believe that legalistic arguments should prevent this Government and the United Nations from taking such action as might be necessary to preserve peace in the area.

**GEOGRAPHIC SCOPE OF RESOLUTION**

It should be noted that the resolution provides that the authority of the President is to include "the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures" as he judges are appropriate to assure the defense of Formosa and the Pescadores.

In this connection, members of the joint committee raised a number of questions about the desirability of establishing specific geographic limits within which the resolution might apply. Potential aggressors might then be put on notice that any aggression within the specific area would be met by the armed might of the United States.

Both Secretary Dulles and Admiral Radford testified at some length against the desirability of listing the individual islands covered by the resolution or spelling out in concrete terms the latitude and longitude of the areas to be defended. The joint committee agrees that, in this particular instance at least, it would seem unwise to define too precisely the geographic scope of the resolution. Such action might handicap our country by depriving it of flexibility that may be needed to meet unforeseen situations that might arise in the future.

**THE POWERS OF THE PRESIDENT**

During committee hearings certain questions were raised as to whether or not it was necessary for the President to seek congressional authority for the action proposed. There was some difference of opinion among committee members with respect to this matter which is one of the most difficult problems in the whole field of constitutional law. It was felt, however, that this is essentially a matter of domestic concern and should not affect the principal purpose underlying the resolution which is to make unequivocally clear that the Congress supports whatever action the President may find necessary to take to be sure that Formosa and the Pescadores do not fall into unfriendly hands.

In this connection, the joint committee noted that the resolution does not enter into the field of controversy over the relative powers of the President and the Congress. It does call for the two branches of the Government to stand together in the face of a common danger. With such unity there can be no question that the necessary constitutional powers exist for such action as may be required to meet the kind of emergency contemplated by the resolution.
The joint committee, regardless of the collateral issues that were raised and considered during executive hearings, believes that it is in the vital interests of the United States to support the President of the United States in the action he finds necessary to defend United States interests in Formosa and the Pescadores. It recommends that the Senate approve the pending resolution.

14. MIDDLE EAST RESOLUTION, AS AMENDED


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

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

Sec. 3. The President is hereby authorized to use during the balance of fiscal year 1957 for economic and military assistance under this joint resolution not to exceed $200,000,000 from any appropriation now available for carrying out the provisions of the Mutual Security Act of 1954, as amended, in accord with the provisions of such Act: Provided, That, whenever the President determines it to be important to the security of the United States such use may be under the authority of section 401(a) of the Mutual Security Act of 1954, as amended (except that the provisions of section 105(a) thereof shall not be waived), and without regard to the provisions of section 105 of the Mutual Security Appropriation Act, 1957: Provided further, That obligations incurred in carrying out the purposes of the first sentence of section 2 of this joint resolution shall be paid only out of appropriations for military assistance, and obligations incurred in carrying out the purposes of the first section of this joint resolution shall be paid only out of appropriations other than those for military assistance. This authorization is in addition to other existing authorizations with respect to the use of such appropriations. None of the additional
authorizations contained in this section shall be used until fifteen days after the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives and, when military assistance is involved, the Committees on Armed Services of the Senate and the House of Representatives have been furnished a report showing the object of the proposed use, the country for the benefit of which such use is intended, and the particular appropriation or appropriations for carrying out the provisions of the Mutual Security Act of 1954, as amended, from which the funds are proposed to be derived; Provided, That funds available under this section during the balance of fiscal year 1957 shall, in the case of any such report submitted during the last fifteen days of the fiscal year, remain available for use under this section for the purposes stated in such report for a period of twenty days following the date of submission of such report. Nothing contained in this joint resolution shall be construed as itself authorizing the appropriation of additional funds for the purpose of carrying out the provisions of the first section or of the first sentence of section 2 of this joint resolution.

SEC. 4. The President should continue to furnish facilities and military assistance, within the provisions of applicable law and established policies, to the United Nations Emergency Force in the Middle East, with a view to maintaining the truce in that region.

SEC. 5. The President shall whenever appropriate report to the Congress his action hereunder.

SEC. 6. This joint resolution shall expire when the President shall determine that the peace and security of the nations in the general area of the Middle East are reasonably assured by international conditions created by action of the United Nations or otherwise except that it may be terminated earlier by a concurrent resolution of the two Houses of Congress.

(b) Legislative history

THE MIDDLE EAST RESOLUTION

Background.

When the 85th Congress convened in January 1957 it was immediately confronted with the serious situation existing in the Middle East. Since the seizure of the Suez Canal by Egyptian President Nasser in July 1956, tension in the Middle East had increased. The climax was reached in October, when British, French, and Israeli forces attacked Egypt. After a United Nations emergency force (UNEF) was formed and stationed in the area, these troops were withdrawn. UNEF, however, maintained a very tenuous peace. Soviet influence was increasing and the economies of virtually all countries in the area and the press in Europe were shaken because of the closure of the Suez Canal. The general atmosphere was one of fear, crisis, and instability.

1 Sec. 705 of the Foreign Assistance Act of 1961 substituted the words "whenever appropriate" in lieu of the words "within the months of January and July of each year".

On December 27, 1951, the press reported that President Eisenhower was considering a request for congressional authority to use United States troops if necessary to maintain peace in the Middle East. Both he and Secretary of State Dulles had indicated that "basic United States policy should now find expression in joint action by the Congress and the Executive."

Secretary Dulles appeared before the committee on the last day of the 84th Congress—January 2, 1957—and discussed the critical situation in the Middle East. On January 5, 1957, President Eisenhower addressed a joint session of Congress and requested authority to extend economic and military assistance to Middle Eastern nations and to employ "the Armed Forces of the United States to secure and protect the territorial integrity and political independence of such nations requesting such aid, against overt armed aggression from any nation controlled by international communism."

Committee action

On January 9, 1957, Senator Green, for himself and Senator Wiley, introduced the President's proposal as Senate Joint Resolution 19. This resolution, and subsequently House Joint Resolution 117, which was passed by the House of Representatives on January 30, 1957, by a vote of 355 to 61, were by unanimous consent referred to the Committee on Foreign Relations and the Committee on Armed Services jointly.

The joint committee, which was presided over by Senator Green, began consideration of the joint resolution with public hearings on January 14, 15, 24, and 25 at which Secretary of State John Foster Dulles was the principal witness. He was accompanied by Adm. Arthur W. Radford, Chairman, Joint Chiefs of Staff, and John B. Hollister, Director, International Cooperation Administration. On January 28 and February 1, Secretary Dulles returned for further examination in executive session. Admiral Radford testified and was questioned in executive sessions on January 29 and 30.

Nongovernment witnesses who had asked to testify were heard by the joint committee in public session on February 4. These included a number of private individuals and also representatives from the American Legion, the American Veterans Committee, the American Association for the United Nations, the Friends Committee on National Legislation, Americans for Democratic Action, the Women's International League for Peace and Freedom, the Committee for Security and Justice in the Middle East, the American Zionist Committee for Public Affairs, and the United States Arab-Asian Institute, Inc., Charles J. Kersten and Hamilton Fish, former Members of Congress, also testified.

They were followed by present and former officials of the United States Government who had been invited by the joint committee to present their views in executive session. Herbert Hoover, Jr., former Under Secretary of State appeared on February 5; George Wadsworth, United States Ambassador to Saudi Arabia, and Joseph C. Green, former United States Ambassador to Jordan, on February 6; Henry A. Byroade, United States Ambassador to the Union of South Africa and former Ambassador to Egypt, on February 7; Jefferson Caffery, former United States Ambassador to Egypt, on February 8;
and James G. McDonald, former United States Ambassador to Israel, on February 8 and 11.

Also on February 11, in public session, the joint committee heard Senator Joseph C. O'Mahoney and received statements from Senator William A. Purtell and Senator John A. Carroll.

The hearings of the joint committee in executive sessions were edited in order to delete security information and were printed in two volumes for the use of the Senate together with the public testimony.

On February 12 and 13 the joint committee met in executive session to consider the joint resolution. It had referred to it, in addition to Senate Joint Resolution 19 and House Joint Resolution 117, the following resolutions: Senate Joint Resolution 42, by Senator Morse, to promote peace and stability in the Middle East; Senate Joint Resolution 45, by Senator Mansfield, relative to the use of Armed Forces by the President to preserve the independence and territorial integrity of the nations of the Middle East, and for other purposes; and Senate Resolution 80, by Senator Fulbright, to express the attitude of the Senate as to the policy of the United States in the achievement of international peace and security in the Middle East.

The joint committee decided to take action on Senate Joint Resolution 19 and on February 13, 1957, by a vote of 20 to 8, voted to report it favorably with an amendment in the nature of a substitute to the Senate.

During its extensive consideration of the matter, the committee was concerned with all aspects of the situation in the general area of the Middle East and with the whole range of United States policy toward the area. Particular attention was devoted to these questions:

1. How the resolution fit into overall United States policy;
2. The wisdom of increasing the President's discretionary authority for use of mutual security funds to the extent requested; and
3. The Constitutional problems involved in the President's request for authority to use the Armed Forces.

On the first point, the committee viewed the resolution as an emergency stopgap. The committee report said: "It is idle to suppose that the actions taken under the authority of this resolution will in themselves bring about peace, security, and stability in the Middle East and the President recognized this fact in his message to Congress of January 5. But the authority granted by this resolution is essential to provide an atmosphere in which other measures can be brought to bear and to provide time for those other measures to be effective."

"The joint committee is concerned that other measures be taken, that they be taken promptly, and that they be adequate to the task. The joint committee expects to be consulted as these measures are developed and applied."

On the second point, the committee approved substantially the discretionary authority requested for military and economic assistance, but imposed the following limitations:

1. The additional authority granted the President was only for the balance of the then current fiscal year—a matter of approximately 4 months.
2. The additional authority could not be used until after the appropriate committees of Congress had been given 15 days notice of the
amount of money it was proposed to spend, the country for which it was proposed to be spent, and the specific fund from which it was to be drawn. This would give the appropriate committees of Congress an opportunity to scrutinize in advance each proposed action and to take whatever action seemed warranted. The committees to which this notice was required were the Foreign Relations Committee of the Senate, the Foreign Affairs Committee of the House, the 2 Appropriations Committees, and in the case of military assistance, the 2 Armed Services Committees.

3. It was expressly provided that the authority could not be used to transfer funds between military and economic assistance appropriations. In other words, where the President's new authority was used to extend military assistance, the funds involved must be taken from military assistance appropriations and when the new authority was used for economic assistance, the funds must be taken from economic assistance appropriation.

4. Finally, it was made perfectly clear that the joint resolution itself did not constitute an authorization for additional appropriations. Such additional appropriations as might have become necessary for assistance to the Middle East would have to go through the regular authorizing and appropriating process as in the case with mutual security funds generally.

With regard to the third point, the joint committee was sharply divided as to the proper constitutional processes, although it was not divided as to the substantive policy. After much consideration, the committee agreed to this language:

Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any nation or group of nations requesting assistance against armed aggression from any country controlled by international communism: Provided, That such employment shall be consonant with the treaty obligations of the United States and with the Charter of the United Nations.

As stated in the committee report:

This language has the virtue of remaining silent on the question of the relationship between the Congress and the President with respect to the use of the Armed Forces for the objectives stated in the resolution.

At the same time this formulation makes clear the importance which the United States attaches to the Middle East and the determination of the United States to use armed force to resist Communist aggression in the area should any nation request such assistance.

The joint committee also by a vote of 30 to 0, on January 29 directed the Secretary of State to provide a chronological statement of all the events that contributed to the situation in the Middle East, with particular reference to the period beginning January 1946.

The chairman of the joint committee appointed a subcommittee, consisting of Senators Fulbright (chairman), Mansfield, Wiley, Knowland, Byrd, and Saltonstall, to consult from time to time with appropriate officials of the Department of State as to how the committee's request for information could be met reasonably, both as to extent and as to time.

Harry F. Byrd, Sr., of Virginia.
Senate action

Debate in the Senate revolved around the same issues as were considered by the committee. The debate lasted from February 19 to March 5, 1957, and a number of amendments were offered. The Senate agreed to four of these: (1) An extensively modified amendment by Senator Douglas which made the granting of military, economic, and technical assistance subject to the limitations of section 105(a) of the Mutual Security Act of 1954, as amended, which specified that equipment must be furnished only to maintain the internal security and legitimate self-defense of the recipient nation and must not be used to undertake any act of aggression against another nation (voice vote); (2) an amendment of Senator O'Mahoney which provided that the employment of armed forces under the joint resolution should be consonant with the Constitution (82-2); (3) a modified amendment by Senator Mansfield providing that the President should continue to furnish facilities and military assistance, within the provisions of applicable law and established policies, to the United Nations Emergency Force in the Middle East (48-43); and (4) an amendment by Senator Case of South Dakota, to make it clear that the nations referred to in all parts of the resolution are those in the general area of the Middle East (voice vote).

The Senate rejected the following seven amendments: (1) an amendment by Senator Mansfield providing that the President should seek to bring about effective control over the introduction of military "volunteers" (voice vote); (2) a substitute by Senator Russell which would have omitted the economic and military assistance provisions (28-58); (3) an amendment by Senator Curtis providing that the resolution should expire on February 1, 1961, or earlier as provided for in the committee amendment (30-58); (4) an amendment by Senator Barrett for himself and Senators Dworshak and Case of South Dakota, which provided that $100 million of the authorized assistance should be in the form of loans (voice vote); (5) an amendment by Senator Morse providing for prior notice if possible to the Congress before armed forces are employed (28-64); (6) an amendment by Senator McCarthy striking out the language relating to the use of funds without regard to the provisions of the Mutual Security Act (division); and (7) another amendment by Senator McCarthy striking out reference to the United Nations in the termination clause (division).

On March 5, the committee amendment, as amended, was agreed to by the Senate. The Senate then discharged the Committee on Foreign Relations from further consideration of House Joint Resolution 117 (the House companion resolution), amended it by striking out all after the enacting clause and inserting the text of Senate Joint Resolution 19, as amended, and then passed House Joint Resolution 117 by a vote of 72-19.

The Senate amendment was agreed to by the House of Representatives on March 7, 1957, and on March 9, it was approved by the President.
Address by the President of the United States, January 5, 1957.

Introduced by Representative Gordon in the House, January 5, 1957.

Introduced by Senator Green (for himself and Senator Wiley), January 9, 1957.

Hearings before the House Committee on Foreign Affairs, January 7, 8, 10, 15, 16, 17, and 22, 1957.

Hearings before the Senate Foreign Relations Committee, January 14, 15, 24, 25, 28, 29, 30, February 1, 4, 5, 6, 7, 8 and 11, 1957.

House Joint Resolution 117 reported to House January 25, 1957.

House Joint Resolution 117, passed House, 355 to 61, January 30, 1957.

House Joint Resolution 117 referred to Senate Committees on Foreign Relations and Armed Services jointly, February 1, 1957.

Senate Joint Resolution 19 reported to Senate with an amendment in the nature of a substitute, February 14, 1957.

Committee amendment, as amended, agreed to by Senate; committee discharged from further consideration of House Joint Resolution 117; amended by striking out all after the enacting clause and inserting the text of Senate Joint Resolution 19, as amended, and passed, 72 to 10, March 5, 1957.

(c) Senate Report 70, February 14, 1957 (excerpts)

PROMOTING PEACE AND STABILITY IN THE MIDDLE EAST

The Committee on Foreign Relations and the Committee on Armed Services, hereinafter referred to as the "joint committee," having had under consideration the President's address of January 5, 1957, on the situation in the Middle East and Senate Joint Resolution 19 and House Joint Resolution 117, report Senate Joint Resolution 19 with an amendment in the nature of a substitute and recommend that it do pass.

1. MAIN PURPOSE OF THE RESOLUTION

The main purpose of the joint resolution is to put the Soviet Union on notice that Communist aggression in the Middle East would be a serious threat to the vital interests of the United States. To this end, the resolution declares the readiness of the United States to use armed force to defend the area against overt armed aggression by any country controlled by international communism. It further enables the President to waive certain existing restrictions on the use of mutual security appropriations to the extent of $200 million for military and economic assistance to Middle East nations.
3. WHY THE RESOLUTION IS NECESSARY

In the circumstances, prompt, vigorous, and decisive action is necessary if the states of the area are to preserve their independence. Senate Joint Resolution 19 provides the first two indispensable steps in this action:

1. It announces the readiness of the United States to use American Armed Forces to resist overt Communist aggression in the area.

2. It gives the President greater flexibility in the use of up to $200 million of existing mutual security appropriations for either military or economic assistance in the area.

The resolution is an emergency stopgap. It is idle to suppose that the actions taken under the authority of this resolution will in themselves bring about peace, security, and stability in the Middle East and the President recognized this fact in his message to Congress of January 5. But the authority granted by this resolution is essential to provide an atmosphere in which other measures can be brought to bear and to provide time for those other measures to be effective.

The joint committee is concerned that other measures be taken, that they be taken promptly, and that they be adequate to the task. The joint committee expects to be consulted as these measures are developed and applied. But it is not necessary to debate and determine all of these measures in connection with the pending resolution. To do so, indeed, would involve a quite unacceptable degree of delay.

It would also involve undue delay to attempt, at this time, a full consideration of the events leading to the present situation in the Middle East. In this connection, however, the joint committee, by a vote of 30 to 0, on January 29 directed the following request to the Secretary of State:

The Committee on Foreign Relations and the Committee on Armed Services, sitting jointly to consider Senate Joint Resolution 19, a joint resolution proposed by the President relative to the Middle East situation, request that the Department of State provide a chronological statement, together with classified and unclassified supporting documents, telegrams, and the like, of all the events that have contributed significantly to the present situation in the Middle East, with particular reference to the period beginning January 1946. The committees desire such information as soon as possible, but they will not delay action on Senate Joint Resolution 19 pending receipt of such information. The Committee on Foreign Relations will undertake to provide suitable storage for classified material and access to such material will be restricted to the members and staff of the two committees. Matter furnished to the committee will be returned to the executive branch within a reasonable time.

On February 12, the chairman of the joint committee appointed a subcommittee, consisting of Senators Fulbright (chairman), Mansfield, Wiley, Knowland, Byrd and Saltonstall, to consult from time to time with appropriate officials of the Department of State as to how the committee's request for information can be met reasonably, both as to extent and as to time. This action was designed to meet the desires of members of the committee to be kept informed of the Department's progress in complying with the request and at the same time to meet the Department's desire for general guidance as to the committee's wishes.

Harry F. Byrd, Sr., of Virginia.
This resolution has three principal elements: economic assistance, military assistance, and willingness to use the Armed Forces in specified circumstances. These three elements are interrelated; each is indispensable to successful American policy in the Middle East; and none can be eliminated without detracting from the efficacy of the others.

Section 1 of the resolution simply authorizes the President "to cooperate with and assist any nation or group of nations in the general area of the Middle East desiring such assistance in the development of economic strength dedicated to the maintenance of national independence."

Section 2 authorizes military assistance to nations in the area. It further declares that the United States regards the preservation of the independence and integrity of the nations of the Middle East "as vital to the national interest and world peace." To this end, if the President determines that it is necessary, the resolution states that "the United States is prepared to use armed forces to assist any nation or group of nations requesting assistance against armed aggression from any country controlled by international communism." It is provided that any such use must be consonant with the treaty obligations of the United States and with the U.N. Charter.

Section 3 enables the President, in extending military and economic assistance to Middle Eastern nations, to waive certain legal provisions in regard to the use of $200 million heretofore appropriated under the Mutual Security Act. This authority is limited to the balance of the current fiscal year, and cannot be exercised at all in any particular case until the appropriate committees of Congress have had 15 days' notice of the specific proposal.

Section 4 requires reports to Congress by the President in January and July each year of his actions under the resolution. These will be formal, public reports. The joint committee expects, however, to receive more frequent and complete reports from officials of the Department of State.

Section 5 provides for the resolution to expire when the President determines that "the peace and security of the nations in the general area of the Middle East are reasonably assured by international conditions created by action of the United Nations or otherwise." The resolution may also be terminated earlier by concurrent resolution of Congress.

As reported, the resolution contains no preamble and a title which is simply "To promote peace and stability in the Middle East." On balance, the joint committee felt that preambular clauses to a resolution of this kind add nothing to the substance of the resolution and might create confusion as to congressional intent. The resolution plainly speaks for itself on this score. The short title appealed to the joint committee as being a simple, straightforward expression of purpose.

5. GEOGRAPHIC SCOPE OF THE RESOLUTION

The phrase "the general area of the Middle East" recurs throughout the resolution and requires some definition. It would be unwise to attempt to draw a precise geographical line around the area to which:
this resolution applies. This follows the pattern of the resolution (Pub-
lic Law 4, 84th Cong.) authorizing the use of armed force to defend
Formosa. That resolution named Formosa and the Pescadores and also
covered "related positions and territories of that area."

As used in Senate Joint Resolution 19, "the general area of the Mid-
dle East" means the area between Libya on the west, Turkey on the
north, Pakistan on the east, and Saudi-Arabia and Ethiopia on the
south. Any attempt to be more precise, or to spell out the nations in the
resolution itself, would raise further questions as to inclusions and omis-
sions and would carry an inference of lack of American concern over
nations not specifically named.

7. USE OF THE ARMED FORCES (SEC. 2)

The joint committee gave extensive and serious consideration to the
question of the use of American armed forces to repel Communist ag-
grression in the Middle East. Various views were strongly held and
vigorously expressed as to the constitutional powers of the President
and of Congress in this respect and as to the proper constitutional
procedure to be followed.

After exhaustive consideration of the principles and concepts in-
volved by a vote of 15-13, the joint committee agreed to the following
language:

Furthermore, the United States regards as vital to the national interest and
world peace the preservation of the independence and integrity of the nations of
the Middle East. To this end, if the President determines the necessity thereof,
the United States is prepared to use armed forces to assist any nation or group
of nations requesting assistance against armed aggression from any country con-
trolled by international communism: Provided, That such employment shall be
consonant with the treaty obligations of the United States and with the Charter
of the United Nations.

This language has the virtue of remaining silent on the question of
the relationship between the Congress and the President with respect
to the use of the Armed Forces for the objectives stated in the resolu-
tion.

At the same time this formulation makes clear the importance which
the United States attaches to the Middle East and the determination
of the United States to use armed force to resist Communist aggression
in the area should any nation request such assistance.

The joint committee rejects the idea that, because the agreed lan-
guage does not deal with the question of the scope of the President's
authority, the language therefore may indicate a weakening of United
States determination.

On this latter point, let there be no doubt. Although the joint com-
mittee was sharply divided as to the proper constitutional processes
for the United States to follow in regard to the President's request,
it was not divided at all as to the substantive policy involved. The
joint committee strongly supports the policy announced by the Presi-
dent of using armed force, if necessary, to help nations in the Middle
East resist overt Communist aggression. The joint committee has not
the slightest doubt that, should such aggression occur and should
American help be requested, help would be forthcoming promptly and
forcefully.