On balance, the joint committee is of the opinion that the clear statement of policy in section 2 of the resolution as reported is preferable to a blanket authorization to the President to use the Armed Forces in this area. By declaring the policy of the United States, the resolution is actually stronger, in some respects, than a simple authorization to the President.

9. CONCLUSION

The basic problems of the Middle East are of long standing and are the cause of inflamed passions which frequently lead to irrational points of view and to irresponsible actions. It is highly questionable whether these problems can be settled all at once in some kind of package agreement.

But to recognize the difficulties and long-term nature of the problems is not to justify postponing efforts to solve them.

It should be clearly understood that this proposed resolution taken by itself does not provide a definitive United States policy for the Middle East, nor is it so intended. All it provides is time in which to devise such a policy.

It is on this basis that the joint committee urges the Senate to approve the resolution promptly and the administration to press forward with well-considered plans to take advantage of the time gained by the resolution.

15. CUBAN RESOLUTION

(a) Public Law 87-738, approved October 3, 1962

JOINT RESOLUTION Expressing the determination of the United States with respect to the situation in Cuba.

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and
Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

(b) Legislative history

SITUATION IN CUBA

At the end of August and early in September in 1962, when it became known that technicians and military supplies were being sent into Cuba by the Soviet Union, public attention was focused on Cuba.

By September 13, 1962, seven resolutions expressing the sense of the Senate regarding the Cuban situation had been introduced in the Senate. They were Senate Resolution 388 by Senator Mansfield; Senate Resolution 389 by Senator Javits; Senate Resolution 390 by Senator Bush; Senate Joint Resolution 224 by Senator Prouty; Senate Joint Resolution 226 by Senator Miller; Senate Joint Resolution 227 by Senator Prouty; and Senate Concurrent Resolution 92 by Senator Mansfield. That same day, September 13, the Senate agreed, by unanimous consent, to commit the resolutions to the Foreign Relations and Armed Services Committees sitting jointly. Subsequently, on September 18, Senator Scott introduced Senate Resolution 396.

On September 17 the two committees heard testimony in executive session from Secretary of State Rusk, State Department Legal Adviser Abram L. Chayes, Deputy Assistant Secretary of Defense William Bundy, and Senators Keating, Prouty, Smathers, and Miller.

The two committees met again in executive session on September 19 and agreed by a vote of 33 to 0 to report an original joint resolution, Senate Joint Resolution 230, to express the determination of the United States with regard to the Cuban situation. Senate Joint Resolution 230 stated the U.S. determination "to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere; to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination."

The Senate agreed to the joint resolution on September 20 and the House did likewise on September 26.

1 Legislative History of the Committee on Foreign Relations, 87th Cong., committee print, pp. 59-57.
LEGISLATIVE CHRONOLOGY

September 12, 1962.—Senate Joint Resolution 224, authorizing the President of the United States to employ the Armed Forces of the United States in order to protect the peace and security of the United States and the free world, introduced by Mr. Prouty and referred to Armed Services Committee.

September 13, 1962.—Senate Joint Resolution 226, reaffirming the principles of the Monroe Doctrine and authorizing and directing the President of the United States to take such action as is necessary to prevent any violation thereof, introduced by Mr. Miller; Senate Joint Resolution 227, authorizing the President of the United States to employ the Armed Forces of the United States in order to protect the peace and security of the United States and the free world, introduced by Mr. Prouty; Senate Resolution 386, supporting the President in the Cuban situation, introduced by Mr. Mansfield; Senate Resolution 386, expressing the sense of the Senate regarding Cuba, introduced by Mr. Swords (for himself and Mr. Keating); and all referred to the Foreign Relations and Armed Services Committees jointly.

September 14, 1962.—Senate Concurrent Resolution 92, supporting the President in the Cuban situation, introduced by Mr. Mansfield and referred to the Foreign Relations and Armed Services Committees jointly.

September 17, 1962.—Joint executive hearings. (Printed.)

September 18, 1962.—Senate Resolution 390, authorizing the President to use the Armed Forces of the United States where necessary to deal with the Communist buildup in Cuba, introduced by Mr. Scott and referred to Foreign Relations and Armed Services jointly.

September 19, 1962.—Executive session. Ordered reported an original joint resolution. Senate Joint Resolution 230, expressing the determination of the United States with respect to the situation in Cuba, introduced and reported by Mr. Sparkman. Senate Report 211.


(c) Senate Report 211, September 19, 1962 (excerpts)

SITUATION IN CUBA

The Committee on Foreign Relations and the Committee on Armed Services, hereinafter referred to as the “joint committee,” having had under consideration sundry resolutions relating to the situation in Cuba, report an original joint resolution, Senate Joint Resolution 230, to express the determination of the United States with regard to that situation, and recommend that it do pass.

I. PURPOSE AND PROVISIONS OF THE RESOLUTION

The purpose of the resolution is to provide a means of expressing national unity regarding U.S. policies toward Cuba. To this end, the resolution declares the determination of the United States—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and
(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

The joint committee recommends that this statement be passed in the form of a joint resolution which would require the signature of the President. Thus the determination expressed in the resolution would be joined in not only by the Congress but also by the President, who is the constitutional officer of the Government primarily responsible for the conduct of foreign affairs. The force of the declaration would accordingly be strengthened.

Furthermore, the use of a joint resolution makes it possible to avoid constitutional arguments over the relative powers of the President and the Congress respecting the use of American Armed Forces. These arguments have their place in American public life; but it is important in the current instance that they not obscure what the joint committee is convinced is the essential unity of purpose, not only of the Congress, but of the President and the American people as well.

III. REASONS FOR THE RESOLUTION

The situation in Cuba should be taken seriously, but not hysterically. The most dangerous aspect of the situation is the threat which the Cuban regime strengthened by the recent Soviet arms buildup, poses against the nearby Latin American countries of the Caribbean.

Paragraph (a) of the resolution is designed to prevent this threat from materializing through force or the threat of force. This is in accordance, not only with the clear self-interest of the United States, but also with the obligation we have undertaken in the Rio Treaty where it is agreed that "an armed attack by any state against an American state shall be considered as an attack against all the American states."

Existing military capabilities in Cuba do not endanger the security of the United States. Paragraph (b) of the resolution is designed to make sure that they do not in the future. It is of crucial importance that this point be clearly understood by the people of the United States and by the rulers of Havana and Moscow. If the Soviet Union attempts to install, or aids in the installation, in Cuba of military force capable of endangering the security of the United States, it will create a situation which the United States will not tolerate and which could have the gravest possible consequences. Paragraph (b) makes it clear that the United States will not flinch from these consequences. This determination of the United States having been made clear in advance, the onus of the situation, if it develops, will be on those who deliberately and knowingly created it.

Finally, in paragraph (c) the resolution affirms the determination of the United States "to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination." These aspirations are not only inherently legitimate in any people but the right to self-determination is embedded in the Charter of the OAS and in the principals of the inter-
American system. At the Punta del Este Conference in January 1962, it was recognized that the Communist regime of Cuba was incompatible with these principles. But just as clearly the OAS looks forward to the day when the people of Cuba can once again enjoy the rights of freedom with which all men are endowed by their Creator.

IV. CONCLUSION

The proposed resolution is solidly based on both the rights and the obligations of the United States under international law. It expresses the determination of the United States to meet its obligations under the Rio Treaty and other inter-American agreements toward the other free and sovereign Republic of the hemisphere. This will be done by isolating the Communist regime of Cuba and by supporting the right of self-determination.

The joint committee feels constrained to point out in this connection, however, that inter-American rights and obligations are reciprocal. The inter-American system is founded upon the principle of the juridical and sovereign equality of the member states. It is not a system in which all the obligations pertain to one party and all the rights pertain to the other parties. Nor can it survive if it is viewed in this light.

The resolution also asserts unassailable rights of the United States. The most elemental of these rights is that of self-defense, which comes into play whenever a situation presenting a clear and present danger to the security of the United States arises. Such a situation has not arisen, and it is one of the purposes of the resolution to keep it from arising.

In short, the resolution is firm but not threatening. It should have a salutary effect in removing any possible confusion about the policy of the United States, and the joint committee strongly recommends its overwhelming approval by the Senate without amendment.

16. BERLIN RESOLUTION

(a) House Concurrent Resolution 570, 87th Congress, passed October 10, 1962

CONCURRENT RESOLUTION

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

Whereas it is the purpose of the United States to encourage and support the establishment of a free, unified, and democratic Germany; and

Whereas in connection with the termination of hostilities in World War II the United States, the United Kingdom, France, and the Soviet Union freely entered into binding agreements under which the four powers have the right to remain in Berlin, with the right of ingress and egress, until the conclusion of a final settlement with the Government of Germany; and
Whereas no such final settlement has been concluded by the four powers and the aforementioned agreements continue on force: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),
That it is the sense of the Congress—

(a) that the continued exercise of United States, British, and French rights in Berlin constitutes a fundamental political and moral determination;

(b) that the United States would regard as intolerable any violation by the Soviet Union directly or through others of those rights in Berlin, including the right of ingress and egress;

(c) that the United States is determined to prevent by whatever means may be necessary, including the use of arms, any violation of those rights by the Soviet Union directly or through others, and to fulfill our commitment to the people of Berlin with respect to their resolve for freedom.

(b) Legislative history

SITUATION IN BERLIN

House Concurrent Resolution 570, which was passed by the House on October 5, 1962, and adopted by the Senate on October 10, 1962, reflected the views of the people of the United States on our continued right to remain in Berlin. The operative clauses of the concurrent resolution expressed the sense of Congress that the continued exercise of United States, British, and French rights in Berlin constituted a fundamental political and moral determination, and that the United States was determined to prevent by whatever means may be necessary, including the use of arms, any violation of those rights by the Soviet Union.

LEGISLATIVE CHRONOLOGY

September 26, 1962.—House Concurrent Resolution 570, expressing the sense of the Congress with respect to the situation in Berlin, introduced by Mr. Zablocki in House.

September 28, October 1, 2, and 3, 1962.—Public and executive hearings. (Not printed.)


October 3, 1962.—Senate Concurrent Resolution 97 introduced by Mr. Javits (for himself and Mr. Morse).

October 5, 1962.—House Concurrent Resolution 570 passed House. Vote, 311–0.

October 8, 1962.—Referred to Foreign Relations Committee.

October 10, 1962.—Executive hearing. Senate Concurrent Resolution 97 reported to Senate with amendment. Senate Report 2288. Committee discharged from further consideration of House Concurrent Resolution 570. House Concurrent Resolution 570 passed by Senate.

1 Legislative History of the Committee on Foreign Relations, 87th Cong., committee print, p. 68.
EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO THE SITUATION IN BERLIN

The Committee on Foreign Relations having had under consideration Senate Concurrent Resolution 97, expressing the sense of the Congress with respect to the situation in Berlin, report the resolution favorably, with an amendment, and recommend that the resolution as amended be passed.

Senate Concurrent Resolution 97 was introduced on October 3, 1962, by Mr. Javits for himself and Mr. Morse. On October 5, 1962, the House of Representatives passed House Concurrent Resolution 570, which was identical to Senate Concurrent Resolution 97 with the exception of one word. The Senate resolution had expressed the sense of Congress that the continued exercise of United States, British, and French rights in Berlin constitutes a fundamental political and moral purpose. The House substituted for the word “purpose” the word “determination”.

On October 10, the Committee on Foreign Relations met in executive session and gave consideration to the two resolutions pending before it. Without objection it was agreed to amend Senate Concurrent Resolution 97 to conform to the resolution passed by the House of Representatives and to report Senate Concurrent Resolution 97, as thus amended, to the Senate.

The committee believes that the resolution clearly and succinctly states the determination of the Congress and of the American people with respect to the determination of the United States to fulfill our commitments with respect to the freedom of the people of Berlin. This commitment is expressed in paragraph (c) in these words: “That the United States is determined to prevent by whatever means may be necessary, including the use of arms, any violation of those rights by the Soviet Union directly or through others, and to fulfill our commitment to the people of Berlin with respect to their resolve for freedom.”

The committee recommends early and unanimous approval of this resolution by the Senate.

17. VIETNAM RESOLUTION (TONKIN GULF RESOLUTION)

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

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

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

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and
Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

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

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

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

(b) Legislative history

BACKGROUND

On August 2, 1964, the destroyer U.S.S. Maddox, while engaged in an electronics intelligence gathering operation off the coast of North Vietnam, was involved in an incident with North Vietnamese torpedo boats. Two days later, on the night of August 4, the U.S.S. Maddox and the U.S.S. C. Turner Joy, which had joined her after the earlier incident, were allegedly subjected to an attack by North Vietnamese torpedo boats. President Johnson retaliated by ordering air attacks against North Vietnamese PT boat bases and supporting facilities some 10 hours after the incident occurred.

On August 5, President Johnson sent a message to Congress asking for passage of a resolution "expressing the unity and determination of the United States in supporting freedom and in protecting peace in Southeast Asia." The resolution could, the message said, "state in the simplest terms: the resolve and support of the Congress for action to deal appropriately with attacks against our Armed Forces and to defend freedom and preserve peace in Southeast Asia in accordance with the obligations of the United States under the Southeast Asia Treaty."

COMMITTEE ACTION

Senator Fulbright, for himself and Senators Hickenlooper, Russell, and Saltonstall, introduced, on August 5, the President's proposal as Senate Joint Resolution 189. The resolution was referred to the Committee on Foreign Relations and the Committee on Armed Services
jointly. A companion measure, House Joint Resolution 1145, was introduced the same day in the House of Representatives by Congressman Morgan.

The joint committee, which was presided over by Senator Fulbright, convened at 9:05 a.m. on August 6 in executive session, and heard as witnesses Secretary of State Dean Rusk, Secretary of Defense Robert S. McNamara, and Gen. Earle E. Wheeler, Chairman of the Joint Chiefs of Staff. The resolution was ordered reported by a vote of 31-1 (Senator Morse) without amendment. The committee recessed at 10:45 a.m.

**SENATE ACTION**

Debate began in the Senate the afternoon of August 6 and concluded the following day. No amendments were formally proposed, although Senator Nelson suggested one which would have, in part, stated that:

> Our continuing policy is to limit our role to the provision of aid, training assistance, and military advice, and it is the sense of Congress that, except when provoked to a greater response, we should continue to attempt to avoid a direct military involvement in the Southeast Asian conflict.

Senator Fulbright responded by saying that the amendment states fairly accurately what the President has said would be our policy, and what I stated my understanding was as to our policy; also what other Senators have stated.

He went on to say that:

The Senator has put into his amendment a statement of policy that is unobjectionable. However, I cannot accept the amendment under the circumstances. I do not believe it is contrary to the joint resolution, but it is an enlargement. I am informed that the House is now voting on this resolution. The House joint resolution is about to be presented to us. I cannot accept the amendment and go to conference with it, and thus take the responsibility for delaying matters.

The House of Representatives passed House Joint Resolution 1145 by a vote of 416-0 on August 7 and shortly after formal receipt of the resolution by the Senate later that afternoon it was adopted by a vote of 88-2 (Senators Gruening and Morse opposed).

On August 10, President Johnson signed the resolution and it became law.

**LEGISLATIVE CHRONOLOGY**

August 5, 1964.—Requested by the President. House Document 333.

August 5, 1964.—S.J. Res. 189 introduced by Mr. Fulbright (for himself, Mr. Hickenlooper, Mr. Russell, and Mr. Saltonstall) and referred to Foreign Relations and Armed Services Committees jointly.

August 5, 1964.—H.J. Res. 1145 introduced in House by Mr. Morgan.


August 10, 1964.—Approved. Public Law 88-408.
PROMOTING THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY IN SOUTHEAST ASIA

The Committee on Foreign Relations and the Committee on Armed Services, hereinafter referred to as the "joint committee," having had under consideration Senate Joint Resolution 189 supporting the President's determination to repel any armed attack against U.S. forces in southeast Asia and to prevent further Communist attacks, report the resolution favorably and recommend that it be passed by the Senate.

PURPOSE OF THE RESOLUTION

The basic purpose of this resolution is to make it clear that the Congress approves the actions taken by the President to meet the attack on U.S. forces in southeast Asia by the Communist regime in North Vietnam. Full support by the Congress also is declared for the resolute policy enunciated by the President in order to prevent further aggression, or to retaliate with suitable measures should such aggression take place.

SCOPE OF THE RESOLUTION

Senate Joint Resolution 189 is patterned quite closely upon precedents afforded by similar resolutions: the Formosa resolution of 1955, the Middle East resolution of 1957, and the Cuba resolution of 1962.

The phrasing in section 2, "in accordance with its obligations under the Southeast Asia Collective Defense Treaty," comprehends the understanding in that treaty that the U.S. response in the context of article IV (1) is confined to Communist aggression. It should also be pointed out that U.S. assistance, as comprehended by section 2, will be furnished only on request and only to a signatory or a state covered by the protocol to the SEATO Treaty. The protocol states are Laos, Cambodia, and South Vietnam.

The language in section 3, which governs the termination of the resolution, combines the relevant provisions of the Formosa and Middle East resolutions.

JOINT COMMITTEE RECOMMENDATION

With only one dissenting vote, the joint committee endorsed the resolution and recommended its adoption by the Senate. Members of the committee expressed approval of the handling of the crisis in southeast Asia by the President and the Secretaries of State and Defense, by the Joint Chiefs of Staff, and by U.S. naval forces in the area of Vietnam.

On the basis of testimony submitted by the Secretaries of State and Defense and the Chairman of the Joint Chiefs of Staff, the committee was satisfied that the decision of the President to retaliate against the North Vietnamese gunboat attacks was both soundly conceived and skillfully executed. In the circumstances, the United States could not have done less and should not have done more.
C. PERTINENT EXCERPTS FROM COLLECTIVE DEFENSE TREATIES

18. INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE (RIO TREATY), SEPTEMBER 2, 1947

PARTIES

Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the United States of America, Uruguay, and Venezuela.

COLLECTIVE DEFENSE

"1. The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

"2. On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting Parties may determine the immediate measures which it may individually take in fulfillment of the obligation contained in the preceding paragraph and in accordance with the principle of continental solidarity. The Organ of Consultation shall meet without delay for the purpose of examining those measures and agreeing upon the measures of a collective character that should be taken.

"3. The provisions of this Article shall be applied in case of any armed attack which takes place within the region described in Article 4 or within the territory of an American State. When the attack takes place outside of the said areas, the provisions of Article 6 shall be applied.

"4. Measures of self-defense provided for under this Article may be taken until the Security Council of the United Nations has taken the measures necessary to maintain international peace and security." (ARTICLE 3)

* * * * * * * * * * *

"If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-

2 Trinidad and Tobago signed the OAS Charter on Mar. 18, 1967, and deposited its ratification of the Charter on March 17, thus becoming a member of the Organization of American States. It has indicated its intention of signing the Protocol of amendment to the Charter as well as the Inter-American Treaty of Reciprocal Assistance in the very near future.
3 The Organization of American States Foreign Ministers voted at Punta del Este (Jan. 22-23, 1962) to exclude "the present Government of Cuba" from participation in the Inter-American system. (See p. 72.)
continental or intra-continental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent." (ARTICLE 6)

"For the purposes of this Treaty, the measures on which the Organ of Consultation may agree will comprise one or more of the following: recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, and radiotelephonic or radiotelegraphic communications; and use of armed force." (ARTICLE 8)

"In addition to other acts which the Organ of Consultation may characterize as aggression, the following shall be considered as such:

a. Unprovoked armed attack by a State against the territory, the people, or the land, sea or air forces of another State;

b. Invasion, by the armed forces of a state, of the territory of an American State, through the trespassing of boundaries demarcated in accordance with a treaty, judicial decision, or arbitral award, or, in the absence of frontiers thus demarcated, invasion affecting a region which is under the effective jurisdiction of another State." (ARTICLE 9)

"Decisions which require the application of the measures specified in Article 8 shall be binding upon all the Signatory States which have ratified this Treaty, with the sole exception that no State shall be required to use armed force without its consent." (ARTICLE 20)

TREATY AREA

"The region to which this Treaty refers is founded as follows: beginning at the North Pole; thence due south to a point 74 degrees north latitude, 10 degrees west longitude; thence by a rhumb line to a point 47 degrees 30 minutes north latitude, 50 degrees west longitude; thence by a rhumb line to a point 35 degrees north latitude, 60 degrees west longitude; thence due south to a point in 20 degrees north latitude; thence by a rhumb line to a point 5 degrees north latitude, 24 degrees west longitude; thence due south to the South Pole; thence due north to a point 30 degrees south latitude, 90 degrees west longitude; thence by a rhumb line to a point on the Equator at 97 degrees west longitude; thence by a rhumb line to a point 15 degrees north latitude, 120 degrees west longitude; thence by a rhumb line to a point 50 degrees north latitude, 170 degrees east longitude; thence due north to a point in 54 degrees north latitude; thence by a rhumb line to a point 65 degrees 30 minutes north latitude, 168 degrees 58 minutes 5 seconds west longitude; thence due north to the North Pole." (ARTICLE 4)
This description includes more than the land area of the parties to the treaty; it embraces both North and South America, including Canada, Greenland, the Arctic and Antarctic regions of the continents, as well as all the area lying between. (S. Ex. Rept. 11, 80th Cong., 1st sess., p. 5) In addition, the newly independent States of Jamaica, Trinidad and Tobago, Guyana, and Barbados fall within the defined region.

In addition to the region as defined, the treaty states that measures to be taken in the event of an armed attack thereon shall be applied if the armed attack is "within the territory of an American State" (par. 3, Art. 3). This includes more than the continental territory of the United States and of the other American states. It includes the State of Hawaii as well as the island of Guam and any other possessions abroad, since they all constitute a part of the "territory of an American State," Canada, while not a signatory state, is included in the term "American State." Furthermore, if the armed attack is directed against an American State and takes place within the region described, it need not be against the territory of an American State but could take place anywhere within the region and might be against the land, sea, or air forces of such American State. (S. Ex. Rept. 11, 80th Cong., 1st sess., p. 5)

Honduras, at the time of the signing of the treaty, made a formal reservation concerning the boundary between itself and Nicaragua, which was included in the treaty. Guatemala, when it deposited its ratification, also made a formal reservation concerning the sovereignty of Belize (British Honduras); and upon Guatemala's declaration that the reservation did not intend to constitute any alteration of the treaty and that it was disposed to act within the limits of international agreements which it had accepted, the contracting states accepted the reservation.

In addition, Ecuador and Nicaragua included a statement and reservation respectively in their instruments of ratification; and, as part of the Final Act of the Rio Conference where this treaty was drawn, Argentina, Guatemala, Mexico, and Chile made formal statements on historic rights and claims to areas within the treaty area. The United States also made the following formal statement there:

"With reference to the reservations made by other Delegations concerning territories located within the region defined in the Treaty, their boundaries, and questions of sovereignty over them, the Delegation of the United States of America wishes to record its position that the Treaty of Rio de Janeiro has no effect upon the sovereignty, national or international status of any of the territories included in the region defined in Article 4 of the Treaty."

19. NORTH ATLANTIC TREATY (NATO), APRIL 1, 1949

PARTIES

Belgium, Canada, Denmark, Federal Republic of Germany, France, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Turkey, the United Kingdom, and the United States.

The French Government withdrew its forces committed to NATO commands and its personnel assigned to the staffs of those commands effective July 1, 1966, and has denounced the Paris Protocol, on the
Status of International Military Headquarters of August 28, 1952, effective March 31, 1967. In a preliminary aide-mémoire, delivered to its NATO allies on March 11, 1966, the French Government made the following statement (in translation):

"This * * * does not by any means lead the French Government to call into question the treaty signed at Washington on April 4, 1949. In other words, barring events in the coming years that might come to alter fundamentally the relations between the East and the West, it does not intend to avail itself, in 1969, of the provisions of Article 13 of the treaty and considers that the Alliance must continue as long as it appears necessary."

COLLECTIVE DEFENSE

"The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

"Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security." (ARTICLE 5)

TREATY AREA

"* * * an armed attack on one or more of the Parties is deemed to include an armed attack—

"(i) on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France, on the territory of Turkey or on the islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;

"(ii) on the forces, vessels or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer." (ARTICLE 6, as modified by Article 2 of the protocol on the accession of Greece and Turkey.)

The only outlying areas covered are the islands in the North Atlantic area, the Aleutian Islands, and the islands of the Canadian Arctic. (S. Ex. Rept. No. 8, 81st Cong., 1st sess., p. 15.) Alaska, as a part of the territory of the United States in North America, is covered.

Greenland, as part of the Kingdom of Denmark, and the Bahamas and Bermuda as "islands under the jurisdiction of any of the parties in the North Atlantic area north of the Tropic of Cancer" are likewise covered by that Treaty.

The three Algerian departments of France were an integral part of metropolitan France under its constitution at the time the North Atlantic Treaty was signed. However, Algeria became independent on July 3, 1962, and on January 16, 1963, the Council of NATO noted
that insofar as the formed Algerian departments of France are concerned, the relevant clauses of the North Atlantic Treaty had become inapplicable as from July 3, 1962. (NATO Press Release No. 63, January 24, 1968.)

The area, originally including the western part of the Mediterranean as well as the North Sea and most of the Gulf of Mexico by (S. Ex. Rept. No. 8, 81st Cong., 1st sess., p. 15), was broadened by the protocol on the accession of Greece and Turkey to include the forces, vessels and aircraft of the parties in the Eastern Mediterranean. (S. Ex. Rept. No. 1, 82d Cong., 2d sess., p. 3.)

Also, the area was redefined by this protocol so that if in the future occupation forces in Europe of any of the parties ceased to be occupation forces, e.g., in Germany, but were still on European soil, they would still be covered by the Treaty in the event of an attack. (S. Ex. Rept. No. 1, 82d Cong., 2d sess., p. 4.)

20. TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES AND JAPAN, JANUARY 19, 1960

PARTIES

Japan and the United States.

COLLECTIVE DEFENSE

"Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.

"Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security." (ARTICLE V)

The Agreed Minute to the Treaty concerning the islands administered by the United States under Article 3 of the Treaty of Peace with Japan provides that in the event of an armed attack against these islands, the two countries will consult.

TREATY AREA

The Treaty contains no specific language defining the area covered. Article V, however, refers to "an armed attack against either Party in the territories under the administration of Japan" as "dangerous to its own peace and safety." [Italics supplied.]

Article X states that the treaty "shall remain in force until in the opinion of the Governments of the United States of America and

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1 Article 3 of the Treaty of Peace with Japan named "Nansei Shoto south of 29 degrees north latitude (including the Ryukyu Islands and the Daito Islands), Nanpo Shoto south of Soto Gan, (including the Bonito Islands, Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island." On December 25, 1953, the United States returned to Japanese control the islands of the Amami Group, leaving under United States administration within the Ryukyu Islands only the prewar Okinawa Prefecture.
Japan there shall have come into force such United Nations arrange-
ments as will satisfactorily provide for the maintenance of inter-
national peace and security in the Japan area.” [Italics supplied.]

Article VI provides—

“For the purpose of contributing to the security of Japan and the
maintenance of international peace and security in the Far East, the
United States of America is granted the use by its land, air and naval
forces of facilities and areas in Japan.”

An agreement under Article VI of the Treaty of Mutual Coopera-
tion and Security, regarding facilities and areas and the status of
United States Armed Forces, was signed at Washington on Jan-

21. SECURITY TREATY BETWEEN AUSTRALIA, NEW
ZEALAND, AND THE UNITED STATES (ANZUS),
SEPTEMBER 1, 1951

PARTIES

Australia, New Zealand, and the United States.

COLLECTIVE DEFENSE

“Each Party recognizes that an armed attack in the Pacific Area on
any of the Parties would be dangerous to its own peace and safety
and declares that it would act to meet the common danger in accord-
ance with its constitutional processes.

“Any such armed attack and all measures taken as a result thereof
shall be immediately reported to the Security Council of the United
Nations. Such measures shall be terminated when the Security Coun-
cil has taken the measures necessary to restore and maintain inter-
national peace and security.” (ARTICLE IV)

TREATY AREA

“* * * an armed attack on any of the Parties is deemed to include
an armed attack on the metropolitan territory of any of the Parties,
or on the island territories under its jurisdiction in the Pacific or on its
armed forces, public vessels or aircraft in the Pacific.” (ARTICLE V)

22. MUTUAL DEFENSE TREATY BETWEEN THE UNITED
STATES AND THE REPUBLIC OF THE PHILIPPINES,
AUGUST 30, 1951

PARTIES

Republic of the Philippines and the United States.

COLLECTIVE DEFENSE

“Each Party recognizes that an armed attack in the Pacific Area
on either of the Parties would be dangerous to its own peace and
safety and declares that it would act to meet the common dangers in
accordance with its constitutional processes.
"Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security." (ARTICLE IV)

TREATY AREA

"** an armed attack on either of the Parties is deemed to include an armed attack on the metropolitan territory of either of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific." (ARTICLE V)

23. MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA, OCTOBER 1, 1953

PARTIES

Republic of Korea and the United States.

COLLECTIVE DEFENSE

"Each Party recognizes that an armed attack in the Pacific area on either of the Parties in territories now under their respective administrative control, or hereafter recognized by one of the Parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes." (ARTICLE III)

The Senate attached to its resolution of ratification the following understanding in connection with Article III:

"It is the understanding of the United States that neither party is obligated, under ARTICLE III of the above treaty, to come to the aid of the other except in case of an external armed attack against such party; nor shall anything in the present treaty be construed as requiring the United States to give assistance to Korea except in the event of an armed attack against territory which has been recognized by the United States as lawfully brought under the administrative control of the Republic of Korea."

* * * * * * * * * * * * * * *

"The Republic of Korea grants, and the United States of America accepts, the right to dispose United States land, air and sea forces in and about the territory of the Republic of Korea as determined by mutual agreement." (ARTICLE IV)

The Senate Committee on Foreign Relations noted in its report that "the testimony of administration witnesses made it clear that the United States would be under no obligation to station forces in South Korea under the treaty. The United States has the right to do so, if it determines that such action would be in its national security interest. The present political and military situation in Korea, however, makes it apparent that the stationing of United States Armed Forces
in the Republic of Korea will be in our national interests for the time
being.” (S. Ex. Rept. No. 1, 83d Cong., 2d sess., pp. 5–6.)

An agreement under Article IV of the Mutual Defense Treaty, re­
garding facilities and areas and the status of United States Armed
Forces in the Republic of Korea was signed at Seoul on July 9, 1966,
and entered into force on February 9, 1967.

TREATY AREA

No separate provision. Included in Article III—“territories now
under their respective administrative control, or hereafter recognized
by one of the parties as lawfully brought under the administrative
control of the other”.

The Senate Committee on Foreign Relations in its report on the
treaty said in connection with this language: “It does not apply to
territories not now under the administrative control of either party;
it does not apply to territory which is not at some future time recog­
nized by the United States as having been lawfully brought under the
administrative control of the other party; nor does it apply to an
armed attack initiated by either party.” (S. Ex. Rept. No. 1, 83d
Cong., 2d sess., pp. 3–4.)

24. SOUTHEAST ASIA COLLECTIVE DEFENSE TREATY
(SEATO), SEPTEMBER 8, 1954

PARTIES

Australia, France, New Zealand, Pakistan, Republic of the Philip­
pines, Thailand, the United Kingdom, and the United States.

NOTE.—By a protocol signed on the same date as the treaty (see p. 99), the
states of Cambodia and Laos and the free territory under the jurisdiction of the
State of Vietnam were designated for the purposes of Article IV, quoted below.
Subsequently, Cambodia has indicated disinterest in the protection of the South­
east Asia Treaty. The Royal Government of Laos, in the Geneva Declaration on
the Neutrality of Laos, signed July 23, 1962, declared that it will not “recognize
the protection of any alliance or military coalition including SEATO” and the
United States and other nations agreed to “respect the wish of the Kingdom
of Laos not to recognize the protection of any alliance or military coalition,
including SEATO.”

COLLECTIVE DEFENSE

“I. Each Party recognizes that aggression by means of armed attack
in the treaty area against any of the Parties or against any State or
territory which the Parties by unanimous agreement may hereafter
designate, would endanger its own peace and safety, and agrees that
it will in that event act to meet the common danger in accordance
with its constitutional processes. Measures taken under this paragraph
shall be immediately reported to the Security Council of the United
Nations.

“2. If, in the opinion of any of the Parties, the inviolability or the
integrity of the territory or the sovereignty or political independence
of any Party in the treaty area or of any other State or territory to
which the provisions of paragraph 1 of this Article from time to time
apply is threatened in any way other than by armed attack or is
affected or threatened by any fact or situation which might endanger
the peace of the area, the Parties shall consult immediately in order
to agree on the measures which should be taken for the common defense.

"3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned." (Article IV).

UNDERSTANDING OF THE UNITED STATES OF AMERICA (INCLUDED IN THE TREATY)

"The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2."

TREATY AREA

"As used in this Treaty, the ‘treaty area’ is the general area of Southeast Asia, including also the entire territories of the Asian Parties and the general area of the Southwest Pacific not including the Pacific area north of 21 degrees 30 minutes north latitude. The Parties may, by unanimous agreement, amend this Article to include within the treaty area the territory of any State acceding to this Treaty ** or otherwise to change the treaty area.” (Article VIII)

The basic area involved comprises Pakistan; Thailand; Laos, the free territory of Vietnam and Cambodia (by protocol); Malaysia; Australia and New Zealand; and the Philippines. (See Note above, under “Parties,” concerning present status of Cambodia and Laos.) Although the United Kingdom is a party, Hong Kong is excluded because of the limiting clause—“not including the Pacific area north of 21 degrees 30 minutes north latitude”—a line running north of the Philippines. (S. Ex. Rept. No. 1, 84th Cong., 1st sess., p. 11.)

25. MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES AND THE REPUBLIC OF CHINA, DECEMBER 2, 1954

PARTIES

Republic of China and the United States.

COLLECTIVE DEFENSE

"Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

"Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council
has taken the measures necessary to restore and maintain international peace and security.” (Article V)

The Committee on Foreign Relations of the United States Senate, in its report on this treaty included the following statement to clarify the nature of the commitment in Article V:

“It is the understanding of the Senate that the obligations of the parties under article V apply only in the event of external armed attack; and that military operations by either party from the territories held by the Republic of China, shall not be undertaken except by joint agreement.”

Such understanding reflects an agreement manifested in an exchange of notes dated December 10, 1954 (see p. 103), under which the use of force from the areas specified must be pursuant to joint agreement, except for emergency actions by way of self-defense. (S. Ex. Rept. No. 2, 84th Cong., 1st sess., p. 4.)

* * * * * * *

“The Government of the Republic of China grants, and the Government of the United States of America accepts, the right to dispose such United States land, air and sea forces in and about Taiwan and the Pescadores as may be required for their defense, as determined by mutual agreement.” (Article VII.)

The Senate Report explained that “the administration made it clear that this provision did not impose on the United States an automatic or mandatory obligation” to dispose its forces in the area but that the United States is “free to station forces or not, as circumstances may indicate.” (S. Ex. Rept. No. 2, p. 5.)

An agreement on the status of U.S. Armed Forces in the Republic of China was signed at Taipei on August 31, 1965, and entered into force on April 12, 1966.

TREATY AREA

“* * * the terms ‘territorial’ and ‘territories’ shall mean in respect of the Republic of China, Taiwan and the Pescadores; and in respect of the United States of America, the island territories in the West Pacific under its jurisdiction. The provisions of Articles II and V will be applicable to such other territories as may be determined by mutual agreement.” (Article VI.)

Included in the “island territories in the West Pacific” are such groups as the Ryukyus (including Okinawa), the trust territories (former Japanese mandated islands), and Guam. (S. Ex. Rept. No. 2, 84th Cong., 1st sess., p. 5.)

To avoid any possible misunderstanding concerning the legal status of Taiwan (Formosa) and the Pescadores, the Senate Committee on Foreign Relations included the following statement in its report:

“It is the understanding of the Senate that nothing in the treaty shall be construed as affecting or modifying the legal status or sovereignty of the territories to which it applies.” (S. Ex. Rept. No. 2, 84th Cong., 1st sess., p. 6.)

To avoid any doubts as to the nature of the “mutual agreement” required, the Senate Committee on Foreign Relations included the following in its report:
"It is the understanding of the Senate that the 'mutual agreement' referred to in article VI, under which the provisions of articles II and V may be made applicable to other territories, shall be construed as requiring the advice and consent of the Senate of the United States." (S. Ex. Rept. No. 2, 84th Cong., 1st sess., p. 5.)


On August 1, 1967, the chairman of the Committee on Foreign Relations addressed the following question to the Secretary of State:

Of the 42 countries with which the United States has bilateral treaties or multilateral agreements for collective defense, in how many instances would the Executive Branch view as automatic the American commitment as one upon which the United States could act unilaterally—meaning that we view the obligation not only as collective but individual, as the Department has interpreted the SEATO Treaty?

On August 15, the Department replied in relevant part as follows:

Under each of our multilateral treaties, the commitment to extend assistance in the event of an armed attack is individual and requires no collective finding or decision by a multilateral organization. The Rio Treaty provides that in the event of an armed attack against an American state "each one of the said Contracting Parties undertakes to assist in meeting the attack." (Article 3(1), emphasis added). The Treaty goes on to provide that "each one of the Contracting Parties may determine the immediate measures which it may individually take" (Art. 3(2), emphasis added). In the North Atlantic Treaty, "each" of the signatories "in the exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the party or parties attacked by taking forthwith, individually and in concert with the other parties, such action ..." (Art. 5, emphasis added). In the Southeast Asia Collective Defense Treaty and in the Anzus Security Treaty "each party" agrees that "it" will act to meet the common danger (Art. IV in both). The same is true of the bilateral treaties with the Philippines, Korea, Republic of China and Japan. Thus, under each of these treaties there is an individual obligation independent of any collective action.

D. Existence of a National Emergency: Proclamation 2914 by President Truman, December 16, 1950

[NOTE: The proclamation is included in this compilation because S.J. Res. 160 (p. 22) proposes to establish a joint committee whose function would be to study the matter of terminating it.]

This proclamation is still in effect and has not been modified in any way by any Presidential action since its original issuance. Congress has taken no action to repeal or modify it. It may still be cited as the basis for Presidential action, if the action is otherwise grounded in the Constitution or in statutory authority, as, for example, in Executive Order 11037, July 20, 1962, where President Kennedy took action with respect to gold transactions (based on a 1917 act of Congress). The proclamation itself, it is believed, confers no new authority or power upon the President. However, since it is still in effect, it is sometimes cited as the occasion (but not the authority) for Presidential action. It is understood that the administration has sometimes cited this proclamation as a part of its reason for prosecuting the
war in Vietnam as indicated by the following excerpt from the State Department position paper issued dated November 19, 1965:

2. A declaration of war does not seem necessary in order to provide emergency authority to the executive branch. Many laws become operative in time of national emergency or in time of war. Most of these are operative today by virtue of the state of emergency proclaimed by President Truman in December 1950. These laws give the executive branch increased power to deal with the problems in Vietnam as well as other areas of the world. For example, they include special authority with respect to the movement of aliens in and out of the United States; the Armed Forces, Reserves, and the National Guard; procurement of material for the services; transactions in foreign exchange; Government contracts; security and the protection of defense information; and defense transportation. A few emergency laws would not come into effect unless there were a declaration of national emergency or of war subsequent to the 1950 declaration of national emergency. However, there are only a few laws which can become operative only in time of war, and they have not been found necessary for the conduct of hostilities in Vietnam.

WHEREAS recent events in Korea and elsewhere constitute a grave threat to the peace of the world and imperil the efforts of this country and those of the United Nations to prevent aggression and armed conflict; and

WHEREAS world conquest by communist imperialism is the goal of the forces of aggression that have been loosed upon the world; and

WHEREAS, if the goal of communist imperialism were to be achieved, the people of this country would no longer enjoy the full and rich life they have with God's help built for themselves and their children; they would no longer enjoy the blessings of the freedom of worshipping as they severally choose, the freedom of reading and listening to what they choose, the right of free speech including the right to criticize their Government, the right to choose those who conduct their Government, the right to engage freely in collective bargaining, the right to engage freely in their own business enterprises, and the many other freedoms and rights which are a part of our way of life; and

WHEREAS the increasing menace of the forces of communist aggression requires that the national defense of the United States be strengthened as speedily as possible:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do proclaim the existence of a national emergency, which requires that the military, naval, air, and civilian defenses of this country be strengthened as speedily as possible to the end that we may be able to repel any and all threats against our national security and to fulfill our responsibilities in the efforts being made through the United Nations and otherwise to bring about lasting peace.

I summon all citizens to make a united effort for the security and well-being of our beloved country and to place its needs foremost in thought and action that the full moral and material strength of the Nation may be readied for the dangers which threaten us.

I summon our farmers, our workers in industry, and our businessmen to make a mighty production effort to meet the defense requirements of the Nation and to this end to eliminate all waste and inefficiency and to subordinate all lesser interests to the common good.

*U.S. Senate, Committee on Foreign Relations, Background Information relating to Southeast Asia and Vietnam, 6th revised edition. Committee Print, March 1969, pp. 177-178.*
I summon every person and every community to make, with a spirit of neighborliness, whatever sacrifices are necessary for the welfare of the Nation.

I summon all State and local leaders and officials to cooperate fully with the military and civilian defense agencies of the United States in the national defense program.

I summon all citizens to be loyal to the principles upon which our Nation is founded, to keep faith with our friends and allies, and to be firm in our devotion to the peaceful purposes for which the United Nations was founded.

I am confident that we will meet the dangers that confront us with courage and determination, strong in the faith that we can thereby "secure the Blessings of Liberty to ourselves and our Posterity."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 16th day of December (10:20 a.m.) in the year of our Lord nineteen hundred and fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN.

By the President:

DEAN ACHESON,
Secretary of State.

[F.R. Doc. 50-12013; Filed, Dec. 16, 1950; 12:46 p.m.]
### E. Textual Comparison of Laws Concerning Peace and Security in Certain Areas Abroad

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Whereas naval units of the Communist regime in Viet-Nam, in violation of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Viet-Nam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; whereas the United States is assisting the peoples of Southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area but desires only that they should be left in peace to work out their own destinies in their own way; Now, therefore, be it

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of the individual or collective self-defense recognized by article 51 of the Charter of the United Nations; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared:

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; and

Whereas such armed attack if continued would gravely endanger the peace and security of the West Pacific Area and particularly of Formosa and Pescadores; and

Whereas the secure possession by friendly governments of the Western Pacific Island chain, of which Formosa is a
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled:
The Congress approves and supports the determination of the President, as Commander-in-Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

“The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extra-continental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union”; and

Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence:

Now, therefore, be it

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

That the United States is determined:

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

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 present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extra-continental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union”; and

Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence:

Now, therefore, be it

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

That the United States is determined:

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

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, herein 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

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

Cuba (Public Law 87-733)—Continued

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

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.
This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress, except that it may be terminated earlier by a concurrent resolution of the two Houses.

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

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.
UNITED STATES COLLECTIVE DEFENSE ARRANGEMENTS

NORTH ATLANTIC TREATY (15 NATIONS)
A treaty signed April 4, 1949, by which the parties agree that an armed attack against one or more of the parties in the area of North America shall be considered an attack against all the parties, and each of them will assist the party or parties so attacked by taking, individually and in concert with the other parties, such action as they deem necessary including the use of armed force...

1. UNITED STATES  
2. CANADA  
3. ICELAND  
4. NORWAY  
5. UNITED KINGDOM  
6. BELGIUM  
7. DENMARK  
8. PORTUGAL  
9. ISRAEL  
10. FRANCE  
11. ITALY  
12. GREECE  
13. NETHERLANDS  
14. TURKEY  
15. FEDERAL REPUBLIC OF GERMANY  
16. LUXEMBOURG  
17. PROTECTORATE OF CONGO  
18. CONGO  
19. HUNGARY  
20. RUSSIA  
21. TUNISIA  
22. TUNISIA  
23. IRAN  
24. SIAM  
25. VIETNAM  
26. VIETNAM  
27. THAILAND

SOVIET UNION TREATY (11 NATIONS)
A treaty signed November 1, 1922, by which the parties agree that an armed attack against any one of them shall be considered an attack against all and each of them will assist the party attacked by taking individual and collective action in accordance with their constitutional provisions and procedures. The treaty was replaced by the North Atlantic Treaty.

1. UNITED STATES  
2. CANADA  
3. ICELAND  
4. NORWAY  
5. UNITED KINGDOM  
6. BELGIUM  
7. DENMARK  
8. ITALY  
9. GREECE  
10. NETHERLANDS  
11. TURKEY

PHILIPPINE TREATY (BILATERAL)
An treaty signed August 30, 1951, by which the parties agree that an armed attack in the Pacific Area on either of the parties would be dangerous to its own peace and safety and each party agrees that it would assist in meeting the attack...

1. UNITED STATES  
2. PHILIPPINES

JAPANESE TREATY (BILATERAL)
A treaty signed January 19, 1960, whereby each party "recognizes that an armed attack in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that each party would act to meet the common danger in accordance with its constitutional provisions and procedures."

1. UNITED STATES  
2. JAPAN

ANZUS (Australia-New Zealand-United States) TREATY (3 NATIONS)
A treaty signed September 2, 1947, which provides that an armed attack in the Pacific Area on either of the parties would be dangerous to its own peace and safety and each party undertakes to act to meet the common danger in accordance with its constitutional provisions.

1. UNITED STATES  
2. AUSTRALIA  
3. NEW ZEALAND

PAKISTAN TREATY (BILATERAL)
A treaty signed August 14, 1954, whereby the parties recognize that an armed attack in the territories under the administration of Pakistan would be dangerous to its own peace and safety and declare that each party would act to meet the common danger in accordance with its constitutional provisions.

1. UNITED STATES  
2. PAKISTAN

REPUBLIC OF CHINA (Formosa) TREATY (BILATERAL)
A treaty signed December 2, 1960, whereby each of the parties "recognizes that an armed attack in the territory of the Republic of China would be dangerous to its own peace and safety" and that each party "would act to meet the common danger in accordance with its constitutional provisions."

1. UNITED STATES  
2. REPUBLIC OF CHINA

SOUTH PACIFIC TREATY (BILATERAL)
A treaty signed March 27, 1947, whereby the parties agree that an armed attack in the South Pacific area would be...
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