

# Last Vietnam Aid Bill Dies in House

An article from CQ Almanac 1975

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The last attempt to provide more American assistance for Indochina died in April when the South Vietnamese government collapsed under the final assault of North Vietnamese armies.

The last ditch push for American aid was begun in early April by President Ford who sought nearly \$1-billion in additional funds—partly for military purposes and partly for humanitarian and economic uses.

The military aid never had a chance; it wasn't even approved in committee.

The other part of the President's requests fared better—until the final stages of action in the House. Senate-House conferees had approved \$327-million for the costs of evacuation of persons from Saigon and for humanitarian assistance to refugees, but the House rejected the proposal 162–246.

Congress then turned its attention to other forms of aid for the refugees. (*Details, p. 315*)

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## Ford Requests

President Ford, in his first State of the World message April 10, pledged to work closely with Congress in making foreign policy, but asked it to approve nearly \$1-billion in additional aid to Vietnam and to reverse earlier legislative action he said was harmful to U.S. interests.

The President requested an extra \$722-million in military aid to the South Vietnamese.

In conversations with congressional leaders before the speech, Ford had labeled the message the “most serious” he would give, but it dealt largely with old areas of conflict between Congress and the executive branch that he had addressed earlier—Indochina, Turkey, trade restrictions, Soviet relations and congressional oversight of intelligence-gathering agencies. (*Box, next page*)

“I am here to work with the Congress,” Ford told a joint session of the House and Senate. At another point in the 65-minute speech, he said his intention was “not to point the finger of blame.”

He went on, however, to urge action on a variety of legislation that was contrary to earlier expressions of congressional sentiment.

## South Vietnam Aid

Most controversial of his recommendations was the request of \$722-million in emergency military aid to South Vietnam and an "initial" \$250-million for economic and humanitarian aid, with the prospect of further humanitarian aid requests.

"Assistance to South Vietnam at this stage must be swift and adequate," he said, urging Congress to complete action on the request in nine days—by April 19.

He also urged Congress to clarify restrictions it had placed on the use of U.S. military assistance in Southeast Asia, in order to provide for the evacuation of Americans and South Vietnamese "whose lives may be endangered, should the worst come to pass." It was an apparent reference to the necessity of providing for the escape of both Americans and Vietnamese subject to reprisal in the event of a Communist victory in South Vietnam.

The request of nearly \$1-billion in new aid was far higher than Ford's earlier request of \$300-million in military aid for South Vietnam for fiscal 1975, which already appeared dead. Congressional opposition to any further military aid was strong; there was support, however, for humanitarian assistance, although bills introduced before the speech provided less money and channeled it through international organizations. (*Box, p. 313*)

Ford did not renew his request for emergency military assistance of \$222-million for Cambodia, which had been greatly reduced by the Senate Foreign Relations Committee and disapproved by the House International Relations Committee.

Rebel forces surrounded the capital of Phnom Penh and Ford indicated the imminent fall of Cambodia when he said, "I regret to say that as of this evening, it soon may be too late."

The military aid request was referred to the House and Senate Armed Services Committees which had authorized a fiscal 1975 level of \$1-billion. Congress had appropriated \$700-million.

The humanitarian aid request would be considered by the House International Relations and Senate Foreign Relations Committees. The Senate committee scheduled meetings April 14 and 15 on the South Vietnam situation.

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## Military Aid

President Ford's request for extra military aid was dead almost from the time he made it, partly a victim of the rapid collapse of South Vietnam and partly of Congress' reluctance to pour more money into the war.

The President's request never got out of committee in either chamber. An attempt on the House floor to earmark some funds for military aid garnered only 22 votes in favor.

### House

The House Armed Services Committee refused to authorize additional military aid for South Vietnam in a close vote April 22.

The House committee voted 21-17 to table a bill (HR 5929) that would have raised the fiscal 1975 military aid authorization for South Vietnam to \$1.422-billion from \$1-billion. The additional \$422-million, combined with \$300-million in previously authorized, but unappropriated, funds would have provided the \$722-million requested.

The motion to table the bill was made by G.V. (Sonny) Montgomery (D Miss.), a supporter of additional military assistance. Montgomery and many other aid supporters were said to fear that HR 5929 would have been defeated outright in a straight up or down committee vote.

Voting to table (21) were: Democrats Price (Ill.), Hebert (La.), Ichord (Mo.), Nedzi (Mich.), Leggett (Calif.), Hicks (Wash.), White (Texas), Nichols (Ala.), Mollohan (W.Va.), W.C. (Dan) Daniel (Va.), Montgomery (Miss.), Aspin (Wis.), Davis (S.C.), Schroeder (Colo.) and Kazen (Texas), and Republicans Wilson (Calif.), Dickinson (Ala.), Whitehurst (Va.), Holt (Md.), Robert W. Daniel Jr. (Va.) and Hillis (Ind.).

Voting against tabling (17) were: Democrats Bennett (Fla.), Stratton (N.Y.), Randall (Mo.), Wilson (Calif.), Brinkley (Ga.), Dellums (Calif.), Won Pat (Guam), Carr (Mich.), Lloyd (Calif.), McDonald (Ga.) and Downey (N.Y.), and Republicans Spence (S.C.), Treen (La.), O'Brien (Ill.), Beard (Tenn.), Mitchell (N.Y.) and Schulze (Pa.).

**Appropriations Bill.** The House Appropriations Committee reported a bill (H J Res 407—H Rept 94—166) on April 22 to appropriate an additional \$165-million in military assistance to South Vietnam and \$165-million in economic assistance for the remainder of fiscal 1975. The bill never came to a House vote.

Committee Chairman George Mahon (D Texas), sponsor of H J Res 407, said he was introducing the bill even though “the fall of South Vietnam now seems inevitable and soon.” The question, Mahon said, was whether the United States should provide more aid on top of the billions it had spent over the years, “if only as a gesture and realizing it might be too late,” or should the United States “dictate a surrender, in effect,” by giving no further assistance.

The authority for appropriating the \$165-million was from the \$300-million in previously authorized funds. In its report, the committee said it was to be used for additional supplies to help stabilize the military situation, not for a major regrouping of the South Vietnamese forces.

## Senate

The Senate Armed Services Committee April 17 rejected on identical 8-7 votes proposals to authorize an additional \$215-million, \$149-million, \$101-million and \$70-million in military aid to Vietnam for fiscal 1975. A final proposal to authorize an additional \$50-million was rejected 10-5, with supporters of more aid voting against it because they said it was too low. These amounts would have been in addition to \$300-million in previously authorized, but not yet appropriated, military aid.

Although the Committee rejected the additional military aid by identical 8-7 votes, only four senators voted against all four aid proposals. Disagreement over the relatively small sum of \$31-million prevented a consensus from being reached among a majority of the committee that would have sent a military assistance proposal to the Senate floor.

The amendments under consideration would have authorized \$215-million, \$149-million, \$101-million and \$70-million respectively above the \$300-million previously authorized by Congress (in 1974) but not appropriated.

On each of the 8-7 tallies, Robert C. Byrd (D W.Va.), Gary Hart (D Colo.), Patrick J. Leahy (D Vt.) and William Lloyd Scott (R Va.) voted against authorizing additional funds. Voting consistently for the military aid were Thomas J. McIntyre (D N.H.), Robert Taft Jr. (R Ohio) and Dewey F. Bartlett (R Okla.).

Committee Chairman John C. Stennis (D Miss.) supported the \$215-million, \$149-million and \$101-million levels, but he opposed the \$70-million amount. Also casting their votes this way were Strom Thurmond (R S.C.), John G. Tower (R Texas) and Barry Goldwater (R Ariz.).

Conversely, Stuart Symington (D Mo.), Henry M. Jackson (D Wash.), Sam Nunn (D Ga.) and John C. Culver (D Iowa) opposed the \$215-million, \$149-million and \$101-million aid proposals, but voted for the \$70-million authorization. Thus, only \$31-million separated the positions of 11 members, a majority of the committee.

In an April 21 statement, Nunn said he was “puzzled” by those members who favored President Ford's request for additional aid, but then voted against the extra \$70-million amount which was needed for emergency supplies. Any new aid authorization beyond \$100-million, Nunn added, would have involved heavy equipment purchases which could not be delivered until June or July.

**House Vote.** The House did get one opportunity to vote on military aid while debating a related bill providing funds for humanitarian aid and evacuation expenditures on April 23. Rep. Samuel S. Stratton (D N.Y.) offered an amendment

to earmark \$150 million for military aid to South Vietnam for the protection of the evacuation and delivery of humanitarian services. The amendment was rejected 22–394. (*Vote 96, p. [36-H](#)*)

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## Humanitarian Aid, Evacuation

### Senate

The Senate Foreign Relations Committee on April 18 reported a bill (S 1484—S Rept 94-88) authorizing funds for a Vietnam Contingency Fund and for humanitarian assistance for South Vietnam and Cambodia. The legislation also allowed the President to use the armed forces in the withdrawal of U.S. citizens and their dependents and foreign nationals from South Vietnam. The bill was approved 14-3, with Democrats Mike Mansfield (Mont.), Dick Clark (Iowa) and Joe Biden (Del.) voting against it.

*Provisions.* As reported by the committee, S 1484:

- Authorized a \$100-million Vietnam Contingency Fund for the remainder of fiscal 1975 to be used by the President as he wished for humanitarian relief and for the evacuation of Americans and Vietnamese associated with American interests.
- Authorized the President to use U.S. forces, if necessary, to evacuate U.S. citizens and their dependents from South Vietnam. If the President decided troops were necessary for the evacuation, he would have to submit a report to Congress on the troop deployment as provided in the War Powers Resolution ([PL 93-148](#)). He also would have to certify to Congress that 1) there was a direct and imminent threat to the lives of Americans and their dependents; 2) every effort had been made to ensure the safety of Americans through diplomatic means before troops were used; and 3) Americans were being evacuated as rapidly as possible.
- Authorized the President to use U.S. troops to evacuate endangered foreign nationals along with U.S. citizens and their dependents if he certified to Congress that the following conditions were or would be met: 1) every effort had been made through diplomatic means to end the threat to foreign nationals; 2) a direct and imminent threat existed to the lives of foreign nationals; 3) U.S. troops would not be required for the operation beyond those necessary for the withdrawal of Americans and their dependents; 4) the withdrawal of foreign nationals would not prolong the time that U.S. troops would be exposed to hostilities; 5) foreign nationals would be withdrawn only from those areas where U.S. troops were already present and protecting Americans being evacuated.
- Specifically authorized, as required under the War Powers Resolution, the introduction of U.S. troops into a hostile area (South Vietnam), and provided that Congress, by concurrent resolution, could direct the President to remove them.
- Lifted seven earlier prohibitions on the use of funds for military activity in Indochina, but only to the extent necessary to evacuate U.S. citizens and their dependents.
- Authorized \$100-million for humanitarian assistance to South Vietnam and Cambodia for fiscal 1975, to be provided through the United Nations or its agencies or through voluntary relief agencies. Within 90 days of enactment of the bill, and every 90 days after that, the President would report to the committee and the speaker of the House on the amount of economic assistance provided the recipients, on the agencies distributing the aid and on the method of distribution.
- *Committee Views.* The committee made clear throughout the report that it intended the authorization on the use of U.S. troops in South Vietnam to be a limited one, particularly the evacuation of South Vietnamese, and that it would prefer to avoid the use of U.S. troops altogether.

### Senate Debate

After considering S 1484 for three days, the Senate April 23 passed the bill by a 75-17 vote. (*Vote 145, p. 22-S*)

Despite the concern expressed by some members during general debate that Americans were not being evacuated quickly enough and doubts that the bill contained enough safeguards on the President's authority to reintroduce troops into South Vietnam, the Senate left intact the committee's language dealing with the use of U.S. troops in an evacuation.

Before passing S 1484, the Senate rejected amendments that would have drastically altered the committee's bill. One would have limited it to authorizing humanitarian assistance; another would have deleted the language on the evacuation of foreign nationals. Approved was an amendment increasing humanitarian assistance to \$150-million, from \$100-million, which raised the total amount authorized by the bill to \$250-million.

*Use of Troops.* The major areas of concern on the final day of debate were troop use and the possibility of funds authorized by the bill being used for military aid.

The Senate first rejected by a vote of 10–79 an amendment offered by Floyd K. Haskell (D Colo.) to eliminate all but the humanitarian assistance. Haskell said the President needed no additional authority to evacuate Americans, and that sending in U.S. troops to evacuate Vietnamese nationals provided the “best” way to “launch a bloodbath in South Vietnam.” (*Vote 142, p. 22-S*)

Rejected by a vote of 12–80 was an amendment offered by William Lloyd Scott (R Va.) to delete language permitting the use of U.S. troops in bringing out foreign nationals. (*Vote 144, p. 22-S*)

A third amendment, offered by Iowa's Clark, specifying that none of the \$100-million contingency fund could be used for military assistance to South Vietnam, was rejected by a vote of 32–61. (*Vote 143, p. 22-S*)

*Humanitarian Assistance.* The Senate adopted by voice vote an amendment offered by Clark increasing the authorization for humanitarian aid channeled through international organizations to \$150-million, from \$100-million. He said the United Nations had seen a need for over \$130-million in aid for Vietnam and Cambodia, and Ford had asked for \$250-million for Vietnam only.

## House

The House International Relations Committee April 18 reported a bill (HR 6096—H Rept 94–155) authorizing the use of U.S. troops for the evacuation and authorizing additional funds in fiscal 1975 for humanitarian and evacuation programs.

*Provisions.* As reported by an 18-7 vote, the bill:

- Authorized \$150-million to be used by the President as he deemed appropriate for humanitarian assistance for South Vietnam and the evacuation.
- Lifted the restrictions in five earlier laws and any other comparable law that barred the use of U.S. funds for deploying U.S. troops in Indochina.
- Defined evacuation as the “removal to places of safety as expeditiously as possible,” and said it should be done without military force if possible. If military force were necessary and essential, the evacuation should be carried out with the minimum use of necessary force to withdraw 1) American citizens, 2) dependents of U.S. citizens and permanent residents of the United States, 3) Vietnamese persons eligible for immigration to the United States through their relationship to American citizens, 4) other foreign nationals whose lives were directly and imminently threatened. The number of U.S. troops needed to evacuate the last category of persons could not exceed the number necessary for the first three categories.
- Limited the use of the military to activities essential to protect the evacuation program.

- Lifted certain program restrictions in the fiscal 1975 foreign aid authorization act ([PL 93-559](#)) on Indochina postwar reconstruction funds, thus making available to the President for humanitarian programs \$177-million in previously authorized, but unappropriated, funds.
- Provided that any of the provisions of the bill could be rescinded by concurrent resolution.
- Provided that none of the bill's provisions would be considered to violate the War Powers Resolution.

*Committee Views.* Although the bill did not specifically earmark any funds, the committee said in its report that \$73-million of the new \$150-million authorization was intended for humanitarian assistance. When added to the \$177-million available from the fiscal 1975 authorization, the total of humanitarian aid would equal the \$250-million requested by Ford in his April 10 foreign policy speech.

The committee said it intended the remaining \$77-million in newly authorized funds to be used for the non-military costs of the evacuation.

## House Debate

The House passed HR 6096 by a vote of 230-187 at 2:40 a.m. on April 24, its 14-hour session marked by parliamentary snarls and, at times, acrimonious debate.

When the final vote came, 111 Republicans and 119 Democrats supported HR 6096; 26 Republicans and 161 Democrats (a majority of those voting) opposed it. From their comments during floor debate, it was clear that many Democrats felt the bill provided nearly open-ended authority for the reintroduction of U.S. troops in Vietnam. (*Vote 108, p. [38-H](#)*)

Although the House had spent nearly six hours considering two substitute versions, which were subsequently ruled out of order, and eight more hours on numerous amendments to the bill reported by the International Relations Committee, the final version differed little from that approved by the committee.

The major issue during both consideration of the rule (H Res 409) under which the bill was debated and HR 6096 was the President's authority to send troops into South Vietnam for evacuation purposes and, secondarily, the distribution of humanitarian assistance. The rule governing floor debate was approved April 22 by a vote of 325-95. (*Vote 92, p. [34-H](#)*)

*Military Reinvolvement Fears.* Running throughout the debate was the fear that the bill would be used by the executive branch as the authority for a military reinvolvement of the United States in South Vietnam.

Donald M. Fraser (D Minn.), a consistent opponent of U.S. military activity in Indochina, addressed this fear: "The distrust of the executive branch runs so deep in this chamber that members are afraid that any discretion, any grant of authority to the executive branch will open the door to allow the executive branch to again try to make one more effort to do what 10 years failed to do."

Disputes arose over amendments to more sharply define the bill's language giving the President authority to use troops for an evacuation, to eliminate it altogether and to set a time limit on troop use. All were rejected.

On the closest vote on the issue, the House rejected 196-208 an amendment offered by freshman Stephen J. Solarz (D N.Y.) that would have limited to 30 days the period in which U.S. troops could stay in Vietnam to help in an evacuation. (*Vote 99, p. [36-H](#)*)

(For other rejected amendments involving the use of troops for evacuation, see votes 102, 103, 104, 107, p. [36-H](#) and [38-H](#).)

*Distribution of Aid.* The other major dispute was on the distribution of humanitarian aid authorized by the bill. The committee's language permitted the President to distribute it as he saw appropriate. The Senate bill (S 1484) had channeled it through international organizations. The House split evenly on the issue, defeating by a vote of 200-200

an amendment offered by Helen Meyner (D N.J.) that would have made humanitarian and evacuation assistance available through the United Nations, its agencies, other international organizations and private voluntary agencies as far as feasible. (*Vote 100, p. [36-H](#)*)

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## Conference Action

Conferees on HR 6096 moved quickly to resolve differences and get the bill to the President. Their haste was in vain, however, as the House—in what amounted to a final, definitive congressional statement on America's involvement in the war—rejected the conference report. Events in Indochina had overtaken events in Washington; from then on the focus of congressional attention would be on helping the refugees from the war-torn peninsula.

The conference agreement followed President Ford's statement to a cheering college audience that America's involvement in Indochina, spanning almost three decades, was at an end.

“Today America can again regain the sense of pride that existed before Vietnam,” Ford said at Tulane University in New Orleans April 23. “But it cannot be achieved by refighting a war that is finished—as far as America is concerned.”

### Conferees Decisions

House-Senate conferees filed their report on HR 6096 on April 25 (S Rept 94–97—H Rept 94–176).

One conferee, Sen. Dick Clark (D Iowa), refused to sign the report, calling the conference version “inevitably weaker” than the Senate-passed bill.

The bill would have authorized \$327-million for the costs of the evacuation from Saigon and for humanitarian assistance to thousands of refugees.

### Recommended Provisions

In general, the conference committee's recommendations followed the outlines of the Senate-passed bill in authorizing troops for the evacuation and the House-passed bill on humanitarian and evacuation assistance.

The key provisions of the bill recommended by the conferees would have:

- Authorized \$150-million for fiscal 1975 for humanitarian assistance to South Vietnamese refugees to be used by the President as he determined and to be distributed, to the extent feasible, under the direction and control of international organizations and voluntary relief agencies.
- Lifted certain program ceilings in the fiscal 1975 foreign aid authorization act ([PL 93-559](#)) on Indochina postwar reconstruction aid, thus freeing for humanitarian and evacuation programs \$177-million in previously authorized funds, to be used as the President considered appropriate.
- Authorized the President to use U.S. troops if necessary to evacuate American citizens and their dependents from South Vietnam.
- Authorized the President, while using troops to evacuate Americans, also to use them to evacuate dependents of U.S. permanent residents, Vietnamese nationals eligible for immigration to the United States because of their relationship to U.S. citizens and other foreign nationals whose lives were directly and imminently threatened, if he certified that certain conditions were met.

- Lifted prohibitions in five earlier laws and any other comparable provision of law that barred the use of funds for military activities in Indochina.
- Specifically authorized the introduction of U.S. troops into hostilities, as required under the War Powers Resolution ([PL 93-148](#)), and also made applicable sections of the act which limited the troops' presence to 60 days unless extended by Congress and provided that Congress could order their withdrawal by concurrent resolution at any time.
- Barred the use of funds authorized by the bill to aid directly or indirectly North Vietnam or the Viet Cong; prohibited such funds from being channeled through them or administered by them.

## Aid Authorizations

Although the \$327-million total contained in the final version was the same amount as that passed by the House, conferees distributed the authorizations differently among the programs included in the bill. The conference committee agreed to a \$177-million authorization, to be made available from previously authorized funds, for a presidential contingency fund for humanitarian and evacuation programs. The House had authorized \$150-million for that purpose; the Senate, \$100-million.

Conferees also approved a new authorization of \$150-million for humanitarian assistance for the South Vietnamese, the same amount as passed by the Senate. The Senate version, however, had made it available for Cambodian relief as well. Conferees also dropped a Senate amendment that would have provided for the delivery of food supplies en route to Cambodia before the surrender of Phnom Penh, the capital. They explained that both Cambodian provisions would have been subject to a point of order in the House.

House-Senate conferees said it was their intention that the humanitarian programs authorized be carried out under the direction and control of international organizations and voluntary relief agencies, to the extent possible, but the final version did not require this, as had the Senate bill. It was also their intent, they said, that the humanitarian funds be made available for South Vietnamese refugees wherever they were located.

On the question of providing assistance to the North Vietnamese or Viet Cong, the conferees accepted the House-passed ban on such aid, with the understanding that it was not intended to prohibit assistance to refugees in Communist-controlled areas if the assistance were channeled through and directly administered by international organizations or private voluntary agencies.

Conferees dropped a House-passed provision stating that the bill was necessary because of "flagrant violations" of the Paris peace accords by the North Vietnamese and the Viet Cong. Conferees said in their report that they believed "a formal assessment of blame" could have "undesirable consequences" on the over-all objectives of the act and on obtaining information on American dead and missing in action.

## Authorization of U.S. Troops

With respect to the War Powers Resolution, conferees accepted parts of both the House- and Senate-passed language. The final provision gave the President the specific authority to introduce American troops into a hostile area, as required under section 8(a) of the 1973 act, but provided that such authorization was for a 60-day period only, unless extended by Congress as provided for in section 5(b) of the act, and provided that Congress could order the removal of the forces by concurrent resolution, as outlined in section 5(c) of the act.

## Final Action

### Senate

The Senate approved the conference report April 25 by a vote of 46-17. (*Vote 152, p. [23-S](#)*)

Before the vote, Clark explained his reasons for opposing the conference report. He said that despite the conferees' statement in the report that there was no authorization for military assistance programs in South Vietnam, the



\$177-million contingency fund could be used for military assistance if the President found it to be in the national interest and if it were related to the evacuation or humanitarian aid programs. “We are all aware that the Senate does not want the President to use it for military assistance,” he said. “But it is also clear that a crack is left in the door for that to occur.”

He also objected to dropping Cambodian relief from the bill and to the discretion given the President in the channeling of relief funds.

Edward M. Kennedy (D Mass.) criticized the conference report as “a weak instruction” to the President to use international organizations to the extent feasible, saying that similar language in the fiscal 1975 foreign aid authorization bill (S 3394—[PL 93-559](#)) had “all but been ignored by this administration.” He said that less than 6 per cent of the funds available for humanitarian assistance had been channeled through international agencies.

Clark and others also renewed criticism they had raised during consideration of the Senate bill (S 1484) that the evacuation of Americans had proceeded too slowly.

## House

The House rejected the conference compromise May 1 by a vote of 162–246. On the final vote, 90 Republicans and 72 Democrats voted for the bill; 46 Republicans and 200 Democrats voted against it. (*Vote 117*, p. [40-H](#))

The changed political situation in Vietnam was reflected in the number of members—24 Republicans and 50 Democrats—who switched from support for HR 6096 on April 24, when the House first considered the aid requests, to opposition to the conference report.

The report was rejected despite a strongly worded appeal from Ford—read to the House members minutes before debate began—that it be approved. In his letter, Ford said that while the troop authorization portions of HR 6096 had been “overtaken by events,” the bill's humanitarian aid portions remained “the most expeditious method of obtaining funds which are now desperately needed for the care and transportation of homeless refugees.”

HR 6096 fell victim to the rapid pace of events in South Vietnam during the week. Many members argued that much of the bill had become moot once the evacuation had been completed and the Republic of South Vietnam unconditionally surrendered to the Communists a few hours later. (*Chronology*, p. [302](#))

After the vote, Ford criticized the House's action as unworthy “of a people which has lived by the philosophy symbolized in the Statue of Liberty. It reflects fear and misunderstanding, rather than charity and compassion.”

Ford had urged the House to approve the conference report as the quickest way to obtain funds “desperately needed for the care and transportation of homeless refugees.” In an April 30 letter to the House calling on members to approve the bill, Ford said there were approximately 70,000 evacuees on various U.S. ships and military bases who were being cared for by U.S. government agencies while being relocated. The cost of their care and relocation probably would exceed \$400-million, he said.

## Objections

In addition to the opposition to granting the President authority to reintroduce troops into South Vietnam after it was no longer needed, members were hesitant to vote for humanitarian aid until it was clear how the administration intended to provide it.

House International Relations Committee Chairman Thomas E. Morgan (D Pa.) criticized the vote later, saying it left uncompleted Congress' first opportunity to implement the joint role with the Executive Branch it had insisted on in passing the War Powers Resolution in 1973. Morgan said he believed it would be a “good many years” before another legislative vehicle came along that Congress could use to test the act.

# Features

## Ford's State of the World Proposals

The major element in President Ford's April 10 State of the World message to Congress was his request for nearly \$1-billion in new aid to Vietnam.

But the message also discussed a number of foreign policy issues.

## Legislative Proposals

Ford renewed his earlier appeals to Congress to adopt legislation that would permit:

- The resumption of military aid to Turkey, cut off by Congress on Feb. 5, 1975, because of Turkey's invasion in 1974 of Cyprus.
- The President to waive restrictions in the Trade Act of 1974 (HR 10710—[PL 93-618](#)) that were incompatible with the U.S. national interest. This would permit the extension of U.S. trade preferences to Ecuador and Venezuela, who had been included in a general congressional ban on preferences to members of the Organization of Petroleum Exporting Countries (OPEC). Ford said the provision had “seriously complicated our new dialogue with our friends in this hemisphere.”

He also told Congress that “remedial legislation” was needed on other trade bill provisions that had linked trade preferences for the Soviet Union to its emigration policies for Jewish citizens, and had limited the amount of U.S. credits and investment guarantees.

The President said he would submit to Congress a new request for economic and military assistance for Greece.

## Intelligence Agencies

In the only major departure from his prepared text, Ford told Congress it would be “catastrophic” if the Central Intelligence Agency (CIA) were “in effect” dismantled by too rigorous an investigation into its activities by congressional committees.

The White House and the Senate Select Committee on Intelligence had been at odds over the committee's March 12 request for all the executive orders and National Security Council directives on the CIA and other intelligence agencies, as well as a report by CIA Director William E. Colby to Ford on allegations of illegal domestic spying by the agency.

Committee chairman Frank Church (D Idaho) had said he considered the material vital to the panel's investigation. But Ford argued that “any investigation must be conducted with maximum discretion and dispatch, to avoid crippling a vital national institution.... I think it would be catastrophic for the Congress, or anyone else, to destroy the usefulness by dismantling in effect our intelligence system upon which we rest so heavily.” He pledged to work with House and Senate leaders to devise procedures that would permit congressional oversight of intelligence agencies while providing for “an effective intelligence service.” (*CIA investigation*, p. [385](#))

In pointing out the areas in which he wanted Congress to take action, Ford took care to avoid assessing blame for the impact of earlier legislation. But in each case, he pointed out that the legislation had produced results not anticipated by Congress. The ban on aid to Turkey, for example, had blocked progress toward reconciliation over the Cyprus issue, had complicated the U.S. ability to promote negotiations and had increased the danger of a broader conflict, Ford said. The trade bill restrictions had been “self-defeating,” had not achieved the objectives intended by Congress and had “damaged” U.S. foreign policy, he added.

## Nixon 'Commitments'

Ford's remarks on the Indochina situation, which comprised about one-third of his speech, came in the same week as an administration denial of charges by Sen. Henry M. Jackson (D Wash.) that there were "secret agreements" between the United States and South Vietnam "which envision fateful American decisions." Jackson made the accusations in a Senate speech April 8, without specifying what the agreements were or what his source was.

Jackson said the administration had intimidated that Congress had reneged on "commitments" and "obligations" to the Saigon government. "The fact is," he continued, "that Congress is being accused of violating commitments and obligations it never heard of.... I call upon the President now to make public and to provide to Congress all documents embodying or reflecting these secret agreements.... We in the Congress cannot play our constitutional role in constructing a coherent foreign policy so long as information to which we are entitled is kept from us."

The White House responded in a statement issued April 9 that former President Richard M. Nixon had assured South Vietnamese President Thieu in private correspondence that the United States would "react vigorously to major violations" of the Paris peace accords. The "confidential exchanges" between Thieu and Nixon did not differ in substance from what was stated publicly when the accords were signed in January 1973, the statement said, when the U.S. intentions to provide adequate economic and military assistance and to enforce the Paris agreements "were stated clearly and publicly by President Nixon."

White House Press Secretary Ron Nessen told reporters that the issue of a "vigorous" U.S. reaction to violations of the peace accord were moot because of legislation barring U.S. combat activity in Indochina after Aug. 15, 1973. (*1973 Almanac* p. [861](#))

## Cooperation on Foreign Policy

There was evidence early in the year that Democratic members of Congress would welcome increased cooperation with the White House on foreign policy matters. Majority Leader Mansfield, an influential voice in foreign policy, said in a floor speech April 7 that it was "time for Congress and the President to work together in the area of foreign as well as domestic policy," rather than pointing a finger of blame at each other. "If there is any blame to be attached [to U.S. policies], and there is a great deal, we must all share in it. None of us is guiltless," he continued.

## Prohibitions on President

President Ford asked Congress in his foreign policy speech April 10 to clarify his authority to use U.S. troops in Indochina to evacuate Americans and South Vietnamese. According to the State Department, seven laws appeared to bar a renewal of U.S. military involvement there. Congress did not enact any modifications, however, because none the Vietnam aid bills were passed. The laws and the key provisions were:

- [PL 93-437](#)—Fiscal 1975 Defense Appropriations, Section 839: "None of the funds herein appropriated may be obligated or expended to finance directly or indirectly combat activities by U.S. military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia."
- [PL 93-238](#)—Fiscal 1974 Defense Appropriations, Section 741: Same language as [PL 93-437](#) but applied to funds obligated or expended after Aug. 15, 1973. (*1973 Almanac* p. [167](#))
- [PL 93-189](#)—Fiscal 1974 Foreign Aid Authorization, Section 30: "No funds authorized or appropriated under this or any other law may be expended to finance military or paramilitary operations by the United States in or over Vietnam, Laos, or Cambodia. (*1973 Almanac* p. [816](#))
- [PL 93-155](#)—Fiscal 1974 Military Procurement Authorization, Section 806: "...No funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress." (*1973 Almanac* p. [886](#))

- [PL 93-126](#)—Fiscal 1974 State Department Authorization, Section 13: Same as language in [PL 93-155](#) with Aug. 15, 1973, effective date. (*1973 Almanac p. 803*)
- [PL 93-52](#)—Fiscal 1974 Continuing Appropriations, Section 108: “On or after Aug. 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.” (*1973 Almanac p. 119*)
- [PL 93-50](#)—Fiscal 1973 Second Supplemental Appropriations, Section 307: “None of the funds herein appropriated under this act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam and South Vietnam or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States forces, and after Aug. 15, 1973, no other funds heretofore appropriated under any other act may be expended for such purpose.” (*1973 Almanac p. 95*)

## U.S. Merchant Ship Hijacked by Cambodians Crew and Vessel Rescued by American Forces

Within weeks after Vietnam and Cambodia fell completely under the control of Communist forces, the United States again was involved in a military incident in Southeast Asia.

On May 12, Cambodian Communist troops captured the American merchant ship *Mayaguez* and its crew of 39. President Ford responded with combined forces of Navy, Marine and Air Force units to retake the ship and free its crew. The action was widely—although not unanimously—praised in the United States and seemed to have a cathartic effect on much of the nation after the embarrassment and frustration suffered by the fall of Indochina to the Communists.

In the perspective of the long land war, the brief at-sea encounter had something of a comic opera aura about it with American ships, jet planes, helicopters and Marine units going against Cambodian gunboats.

But the matter was serious enough, particularly in the minds of American citizens who saw the Cambodian action as a last-straw insult, and American officials who worried that no response would embolden other small and relatively weak nations to harass American ships and citizens abroad.

## War Powers Law

The controversy that did result, except for a few dissents from members of Congress who thought that the United States should have negotiated rather than sent in the Marines, centered on whether Congress had been adequately consulted under a recently passed law ([PL 93-148](#)) giving Congress a more specific role in the commitment of U.S. troops into hostilities.

The war powers resolution required the President to report within 48 hours to the House speaker and the Senate president pro tempore on any commitment of U.S. combat forces abroad. It also required the President to consult with Congress “in every possible instance” in advance of a commitment of troops overseas. The law also required that a commitment of U.S. troops must be terminated within 60 days after the President’s report unless Congress had declared war or specifically authorized continuation of the commitment. (*Background, 1973 Almanac p. 905*)

In the *Mayaguez* case, however, there was general agreement that President Ford had the authority to commit U.S. troops without regard to the war powers law even though the President complied with it by issuing a report to Congress May 15 on his actions.

## President’s Report

In his May 15 report, Ford outlined the sequence of events that led up to the U.S. armed intervention: the seizure of the ship in the Gulf of Siam near the disputed island of Pulo Wai claimed by both Cambodia and South Vietnam and

its detainment at the island of Koh Tang—"in clear violation of international law;" the destruction of three Cambodian patrol boats by U.S. aircraft May 13; the assault of the island of Koh Tang by U.S. Marines on May 14 to retake the *Mayaguez* and find the American crew; and the eventual success of that operation late the same day. Ford said the troop disengagement and withdrawal began after the crew was taken aboard a U.S. ship at about 11:30 p.m. May 14. Ford said he took the actions under his constitutional authority to protect American lives and as Commander in Chief.

## Congressional Reaction

Congressional reaction to Ford's use of force was generally favorable, with many members holding the view that decisive action was needed to prevent erosion of the U.S. image abroad after the recent Communist victories in Indochina.

Rep. Melvin Price (D Ill.), chairman of the House Armed Services Committee, called Ford's actions "a great success and a tribute to a show of strength." Sen. Hubert H. Humphrey (D Minn.) said: "The President had to make a very difficult decision but I think it was a right one."

The Senate Foreign Relations Committee was briefed on the situation May 14 and later adopted a resolution of support for the course taken by Ford.

Some members, while supporting Ford's decisions, were critical of the way Congress had been consulted on the use of troops and the earlier decision to bomb the Cambodian ships. White House press secretary Ron Nessen said at a briefing May 14 that Congress had been consulted through the White House congressional liaison staff and at meetings at the White House between Ford and congressional leaders at which there had been a "strong consensus of support."

*The New York Times* reported that the liaison staff telephoned congressional leaders before the Marines landed. Senate Majority Leader Mike Mansfield (D Mont.), ranking member of the Foreign Relations Committee, told the newspaper: "I was not consulted. I was notified after the fact about what the administration had already decided to do."

In a statement issued later, Mansfield said: "I did not give my approval or disapproval because the decision had already been made." He said he had a lot of questions about the whole affair. His call for greater "consultation" was echoed by other congressional leaders.

However, Rep. Clement J. Zablocki (D Wis.) and Sen. Jacob K. Javits (R N.Y.), both of whom were instrumental in the drafting of the war powers bill, said they felt the procedures of that law had worked satisfactorily.

Senate conservatives were lavish in their praise of Ford. Sen. Harry F. Byrd Jr. (Ind Va.) May 15 termed the day of the invasion, a "red-letter day in the official life of President Gerald Ford." Sen. Jesse A. Helms (R N.C.) said of Ford: "He will be remembered in history for his conduct in this difficult episode. I, for one, am very proud of him today."

Another conservative, Sen. Carl T. Curtis (R Neb.), added: "The courageous and decisive action by President Ford will do more for the cause of liberty around the world than all...the conferences that have been held in the last few years and will be held in the next few years." And Sen. Barry Goldwater (R Ariz.) said: "I thank God we have a President who has shown guts enough to do what he should have done."

Not all responses were so full of praise, however. Sen. George McGovern (D S.D.) called the military action "precipitous" although he added that "it worked and I'm glad he did it." Sen. Gaylord Nelson (D Wis.) complained that "we did not even bother to give the negotiating process a fair trial."

Rep. Patricia Schroeder (D Colo.) had some of the most damning comments, saying Ford's use of force "appears to have been illegal and unconstitutional." In her view, "we have won no 'victory.' We have proved nothing to the world, except that this President is willing—as were his predecessors—to make hasty and ill-considered use of American military force against tiny countries regardless of the law...."

## Congressional Hearings

An investigation into the U.S. government's response to the Cambodian seizure of the merchant vessel *Mayaguez* was begun June 19 by the House International Relations Subcommittee on International Political and Military Affairs. A State Department official was the leadoff witness.

During the engagement with the Cambodians, 15 U.S. servicemen were killed; an additional 23 were killed in a helicopter crash in Thailand related to the *Mayaguez* rescue effort. Three servicemen were listed as missing and presumed dead. The Defense Department has estimated the cost of the rescue at \$9.5-million.

*(In millions of dollars)*

Navy/Marine Corps:	Cost
Operation and maintenance, Navy:	
Ship steaming	\$0.7
Air operations	0.1
Operation and maintenance, Marine Corps:	
Transportation	1.1
Total, Navy/Marine Corps	\$1.9
Air Force:	
Aircraft procurement, Air Force: 3 CH-53's lost	6.3
Other procurement, Air Force: Munitions	0.5
Operation and maintenance, Air Force:	
Air operations	0.4
Transportation	0.4

Total, Air Force	\$7.6
Summary:	
Ship operations	0.7
Air operations	0.5
Transportation	1.5
Helicopter losses	0.3
Munitions	0.5
<b>Total</b>	<b>\$9.5</b>

SOURCE: Department of Defense estimates supplied to House Appropriations Committee

Much of the committee's questioning June 19 focused on the communications and contacts between Congress and the Ford administration while the series of crucial White House decisions were being made. Deputy Assistant Secretary of State for East Asian and Pacific Affairs Robert H. Miller said: "The administration made every effort to solicit comments from Congress," but committee member Larry Winn Jr. (R Kan.) declared that congressional leaders were not consulted, "but simply informed."

Miller maintained that "the congressional leadership had the opportunity to express its views concerning impending operations." He said that since the "administration has to move with alacrity in a case like this," consultations with all members of Congress are not always possible.

Military actions undertaken by the United States to secure the release of the merchant vessel *Mayaguez* and its crew were "necessary," the ship's captain said at the congressional hearings July 25.

Capt. Charles T. Miller told the House subcommittee: "I would not be sitting here today if not for the military actions taken on May 13 and 14."

Miller said the ship was not captured within Cambodian territorial waters, nor was it carrying guns, bombs or ammunition.

"There was no apparent reason for the Cambodians to seize our ship—except that they might have thought we were on a spying mission, which we were not," the captain said.

Miller, 62, recounted the events from the seizure of the ship to his eventual release by the Cambodians three days later. He said he "absolutely refused on two or three occasions" to move the ship when directed by Cambodian troops because he was not sure of water depths in the area.

The captain, who said the armed insurgents “treated us right,” told the committee the Cambodian troops were “deathly afraid” of the U.S. jet planes that were flying low over the area. Miller said he promised to call off the planes if the Cambodians would release him and the crew.

“I would have promised them the moon between two slices of bread to get us out of there,” the captain told the subcommittee. “The only thing I was thinking about was our release.”

Miller praised the American pilots' ability—“they could put a thread through a needle a mile away”—but said it was unfortunate they had to sink Cambodian gunboats to help rescue the *Mayaguez* crew.

During questioning Miller indicated he had not been advised that the Cambodians had seized two other ships—of Panamanian and South Korean registry—within a week of the *Mayaguez* incident. Although there was an operable system to warn ships of possible danger, Miller was not informed of the two previous incidents.

Committee Chairman Dante B. Fascell (D Fla.) said the U.S. government knew about the two previous incidents but did not warn the American-owned freighter.

## **Air Force Officer Promoted**

The Senate Oct. 28 confirmed the nomination of Air Force Maj. Gen. Alton D. Slay to Lieutenant General, thereby implicitly holding him blameless for his role in unauthorized 1972 bombing of North Vietnam.

Opponents of the promotion raised the question of whether an officer, operating under military hierarchy, should be exculpated for planning and carrying out operations under order of higher authority which he knew or should have known violated rules laid down by civilian armed forces officials.

The promotion was approved 49-43 with Republicans voting 25-11 and Democrats 24-32. (*Vote 454. p. 138-H*). Opponents were led by Sen. Birch Bayh (D Ind.).

The unauthorized bombing of North Vietnam occurred in 1971 and 1972 at a time when U.S. air missions were restricted to reconnaissance flights over enemy territory. Under the rules of engagement laid down by the Defense Department, accompanying armed escort aircraft could fire only when the reconnaissance mission was fired upon or targeted by North Vietnamese artillery.

But in late 1971, Maj. Gen. John Lavelle began ordering premediated air strikes which were in violation of rules promulgated by civilian Pentagon officials. Between November 1971 and February 1972, about 25 illegal strikes were carried out by Lavelle's 7th Air Force command.

As operations officer for the command, Slay was responsible for planning and executing the missions ordered by Lavelle, for ordering the pilots to strike North Vietnamese targets and for directing the preparation of falsified reports that showed enemy counteraction when there was none.

In Senate debate, Bayh charged: “He carried out these orders dutifully, though he later stated that he was an expert in the rules of engagement and that he believed all along that such pre-planned strikes violated these rules.” Slay supporters countered that the Air Force officer had no choice but to follow Lavelle's orders because of the nature of military operations and procedures. Sen. Strom Thurmond (R S.C.) asked “whether every subordinate commander...is to be charged with the responsibility of second-guessing whether the commander has authority to issue the order received by the subordinate.”

Lavelle's actions were investigated by the Senate Armed Services Committee in September 1972. He alone was found responsible for the violations and was retired from the Air Force. (*1972 Almanac p. 813*)

On April 24, 1974, the Senate approved Slay's nomination for the rank of permanent major general by a 51-36 vote. (*Vote 142, 1974 Almanac p. 23-S*)

## **Cambodia Aid Rejected**



Additional American military aid for the failing regimes in Indochina had virtually no chance of being approved by the newly elected 94th Congress in 1975. Time had run out on this form of U.S. assistance.

This became evident soon after Congress convened and President Ford on Jan. 28 requested supplemental appropriations of \$300-million for South Vietnam and \$222-million for Cambodia, a total of \$522-million for military assistance. Many Democrats flatly opposed the request, and even Republicans and past supporters of Vietnam aid said approval was unlikely.

Ford said the Vietnam funds were "the minimum needed to prevent serious reversals." Without the supplemental aid for Cambodia, he said, all available funds would be exhausted before the end of the fiscal year in June. The pleas moved Congress not at all.

The death blow to the requests, and the principal signal that all other Indochina aid requests would meet a chilly congressional reception, came in a meeting March 12 of the House Democratic Caucus. Meeting in a hastily called session, the Democrats voted overwhelmingly, 189-49, against additional military aid for either Cambodia or South Vietnam.

The vote was on a resolution which said it was "the sense of the Democratic caucus to firmly oppose" further military aid. The resolution was not binding but left no doubt that Democratic sentiment was firmly against more arms aid.

The caucus action came the day before the House International Relations Committee (then called the Foreign Affairs Committee) was to meet on the President's request for Cambodia aid. The panel voted 18-15 March 13 to adjourn without taking final action on the Cambodian aid request. Prior to adjourning, the committee rejected 15-18 a scaled-down assistance proposal approved by a subcommittee that would have granted a total of \$135.6-million in military and economic aid over a three-month period.

In the Senate, the Democratic caucus March 15 voted 38-5 against more military aid to Cambodia and 34-6 against any extra military aid in fiscal 1975.

In spite of this action, the Senate Foreign Relations Committee March 17 approved a bill (S 663) authorizing an additional \$155.4-million for Cambodia in fiscal 1975 for military aid, food and humanitarian aid. But the committee added a provision which prohibited aid to Cambodia after June 30, a restriction that the White House refused to accept. The legislation never came to a Senate vote.

However, the State Department said March 17 that it had found an additional \$21.5-million that could be used for ammunition for Cambodia, the result of a Defense Department bookkeeping error. The department said the Pentagon had overpriced some of the ammunition sent to Cambodia in fiscal 1974. The extra funds would extend Cambodia's ammunition supply to about the end of April, the Defense Department said. But even that didn't help; the end came in Cambodia April 17 when the government in Phnom Penh surrendered to Communist-led Khmer Rouge forces.

## **Ford on Evacuation**

*Following is the text of President Ford's April 29 statement on the U.S. evacuation from Vietnam.*

During the past week, I had ordered the reduction of American personnel in the United States mission in Saigon to levels that could be quickly evacuated during emergency, while enabling that mission to continue to fulfill its duties.

During the day on Monday, Washington time, the airport at Saigon came under persistent rocket as well as artillery fire and was effectively closed. The military situation in the area deteriorated rapidly.

I therefore ordered the evacuation of all American personnel remaining in South Vietnam.

The evacuation has been completed. I commend the personnel of the armed forces who accomplished it, as well as Ambassador Graham Martin and the staff of his mission who served so well under difficult conditions.

This action closes a chapter in the American experience. I ask all Americans to close ranks, to avoid recrimination about the past, to look ahead to the many goals we share and to work together on the great tasks that remain to be accomplished.

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**Document Citation**

"Last Vietnam Aid Bill Dies in House." In *CQ Almanac 1975*, 31st ed., 306-15. Washington, DC: Congressional Quarterly, 1976. <http://library.cqpress.com/cqalmanac/cqal75-1214000>.

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**Document ID:** cqal75-1214000**Document URL:** <http://library.cqpress.com/cqalmanac/cqal75-1214000>