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Mike Mansfield 1903-2001

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CAMBODIA

Mr. MANSFIELD. Mr. President, President Nixon has stated that all American troops will be removed from Cambodian territory by July 1, 1970, and that Americans will not reenter Cambodia in the future. The Cooper-Church amendment is consistent with the President's pledge on Cambodia. By adopting the Cooper-Church amendment, the Senate will be acting in concert—and let me emphasize those words “in concert”—with his intent, even as it exercises its separate constitutional responsibility in matters of war and peace. The Cooper-Church amendment will reinforce President Nixon's announced expectation that the troops will be removed from Cambodia and that they will not be ordered—without congressional sanction—back into that nation.

It has been urged on the floor of the Senate that this action is an attempt for the first time in history to define the limits of a battlefield in a war. I think it is more appropriate to describe the amendment as an effort to limit U.S. involvement, U.S. casualties, and U.S. costs in a tragic war. It is an effort to confine the war to a country before it spreads over a continent.

To speak of the Cooper-Church amendment as an affront to the President as Commander in Chief is to affront the Senate. Each branch has its own constitutional functions. The President has his duties. We have ours. The Senate—the Congress—have fundamental constitutional responsibilities with respect to the Nation's foreign relations and war-making. How can the assertion of this constitutional obligation by the Senate be an affront to the President?

It seems to me that the constitutional distortion which treats this amendment as an affront to the President is the consequence of years of erosion, decades of erosion, of constitutional responsibility in these matters. For too long, the Senate has been all too ready to accept this situation. It is time, now, for the Senate to stop going along for the ride. We have reached the end of the line in Cambodia. It is time to confront our own constitutional responsibility in history to define the limits of war and peace, to accept them and to act on them.

It is absurd to assert that the passage of the amendment will cut off funds from Americans who are fighting in Cambodia, and, thus, put them in jeopardy. Not a single life will be lost because of this amendment, but many will be lost because it was not on the statute books before the offensives were launched inside Cambodia. If anything, this amendment will curb the accumulation of new casualties in Cambodia by assuring the return of American forces from the jeopardy in which they have been placed in Cambodia without the advice or the consent of the Senate.

The amendment is not a rash and reckless step. It is the surest way of protecting the safety of the U.S. forces in Cambodia because it will require their withdrawal in accordance with the President's own timetable. Yet, to take the President at his word is now called a repudiation of the President. That is the same kind of reverse logic which seeks to expand responsibilities of the U.S. in Indochina and, hence, rising American casualties and costs, as the safest and shortest path out of Vietnam.

Thomas Jefferson stated that the Constitution was intended to impose the President in the exercise of his power. It is doubtful that Alexander Hamilton agreed and the executive branch, for several administrations, clearly has not agreed. Nevertheless, I do know that foreign relations and war making are among the most serious problems of Government which come within the purview of the Constitution. I do know that both branches of the Government are involved in them—expressly and implicitly—by the Constitution. That the Congress neglected to assert a sufficient responsibility at the outset of Vietnam—by the States to do under the previous administration—is no excuse for not facing up to it now.

If a reassertion of a constitutional obligation by the Senate prevents expeditious decisions by the executive branch in the future that is precisely its intent. Expediency is not the highest virtue in a constitutional democracy. Indeed, I am not sure it is a durable virtue in any society. In any event, I believe that the checks and balances of the constitutional processes in matters of war and peace must be accepted by the Senate if we are to retain free constitutional government in this Nation.

The Cooper-Church amendment, Mr. President, is a valid step in this process. It can act in concert and again I emphasize the words “in concert”—with the President's intent, to close off this venture into Cambodia and to shrink our involvement in Indochina, where no vital interests of this Nation are at stake, where our casualties now number over 325,000, including almost 50,000 dead, and are still rising, where our costs are well in excess of $16 billion and where we have immersed ourselves in a bottomless well of war—in a tragic conflict without a visible end.

Mr. SCOTT. Mr. President, would the distinguished majority leader yield, with the understanding that the distinguished Senator from Ohio (Mr. Younce) does not have this time taken from him?

Mr. MANSFIELD. Mr. President, I yield with that understanding.

Mr. SCOTT. Mr. President, I have listened with interest and deep and genuine understanding to what the distinguished majority leader has said. I was reading a novel this week by Charles Collingwood, the correspondent, in which he has his principal character speaking with a distinguished activist for peace.

He says to him:

We are both, for peace. The difference is that you are obsessed with the principles involved and I am obsessed with the techniques.

To a great degree that is the dilemma facing the Senate, in trying to find and bring together the essential principles of ending the war in Cambodia and ending our involvement in Vietnam, accelerating at the greatest practical rate the withdrawal of our forces from Vietnam consistent with their security and consistent with the obligations we have as well, and at the same time developing the techniques whereby these things are to be accomplished.

I am delighted that the distinguished majority leader has referred to the fact that the Cooper-Church amendment is designed to operate in concert with the declared intent or declared objectives of the President. I assume there would be no objection to our continuing to make that clear as we debate the Cooper-Church amendment.

Mr. MANSFIELD. Mr. President, quite the contrary. I would hope that we would emphasize it at every available opportunity. I understand the distinguished minority leader's thoughts and thinking on these problems. And I know that he and the others on the other side of the matter are just as much concerned as those who are in favor of the proposal.