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### Congressional Record - Cambodia (re: Byrd-Griffin Modification)

Mike Mansfield 1903-2001

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dent Nixon on April 30, or was it to seize a military "opportunity," as stated by Secretary of Defense Laird on May 13, around the time, I believe he said that, when the invasion of Cambodia took place, the Vietcong and the North Vietnamese forces had already retreated 15 miles to the west?

What forces were concentrating on the Cambodian border at that time in the Cambodian sanctuaries?

What forces were actually moving out of them?

All of these developments and questions serve as a prelude to the rise of a deep feeling of concern which many of us feel. I know that the same concern is felt by those who uphold the pending business, the Byrd-Griffin amendment, as those who oppose it.

So, I want it very clearly understood that I will not be a party to divisiveness in this country. I will do nothing to bring about a polarization in this country. I will explain my views, take my stands, and assume my responsibilities. That is a part of the duty of any Senator, regardless of how we look at the situation which confronts all of us today; I repeat—regardless of our views.

Mr. President, it is not for me to question any Senator's motive with respect to the Cooper-Church amendment. Each Senator will determine his own position on this legislation. I would merely express the hope that we will be able to dispose of the entire matter in the near future. With the cooperation of the Senator from Michigan (Mr. GRIFFIN) there is now agreement to vote, Thursday, on the Byrd-Griffin modification. With his further cooperation, perhaps, some accord might soon be reached to bring the Cooper-Church question to a close.

The Senate should face up to this matter without further delay because what began as a debate has shifted to an extended discussion and for some days has verged on a filibuster. It hardly reflects credit on the Senate to obfuscate the question by prolonged resort to the indulgent procedures of the Senate rules.

The issue will not go away, no matter how long it may be debated. It will not be swept aside, whether the Cambodian adventure is held to be a military success or a failure. It will not be laid to rest in the Senate because it cannot be laid to rest in our consciences.

As long as Americans continue to die in this misbegotten involvement in Indochina, the issue will remain alive. It will be with us on June 30 and after June 30. There is no escaping it, whether 30,000 Americans remain in Cambodia, 300, three, or none. More is involved here than another military sortie into Cambodia, a military sortie which, incidentally, has already cost well over a thousand additional American casualties in this new theater of war.

Beyond military success or failure, the issue posed by Cooper-Church is fundamental. For too long, we have skated the thin ice of constitutional expediency in matters of war and peace. For too long, the Senate has shrouded its constitutional responsibilities in the skirts of Presidential authority.

To be sure, it has been easier to say:

"Leave it to the Commander in Chief" or "trust the Commander in Chief," or "blame the Commander in Chief." When all has been said, however, there is still the involvement in Vietnam. There is still the involvement in Laos. There is still the involvement in Cambodia. There is still the ever-rising level of dead and wounded young Americans in Indochina, a level which now stands at 330,000. There are still the haunting questions: "What for? Why?"

I ask these questions, now not of President Nixon or of his predecessors. Rather, I ask them of the Senate and of myself as one Senator. Since World War II, Presidents have exercised the powers of the Presidency, explicit, assumed or delegated, as they have seen fit. On entering office each has found that the executive branch is a repository of an awesome inheritance of overseas commitments. A President cannot escape these commitments or evade them because they were collected under his predecessors. He must face them. He must act on them in the best interests of the Nation as he comes to see those interests. In turn, he leaves a modified but continuing set of commitments to his successor.

I do not speak with rancor of the President's exercise of his responsibilities in this connection. Rather, I speak in all humility and with some regret of the manner in which we have perceived and acted on our responsibilities as a Senate with regard to Southeast Asia.

To be sure, the Senate's intentions have been of the best. For many years, we have seen our role in matters of war and peace largely as one of acquiescence in the acts of the executive branch. If we have had doubts, we have swallowed them. Since President Eisenhower's administration, at least, we have time, and again deferred to the executive branch in international matters. The executive branch has presented us with decisions. We have gone along. We have rocked few boats.

That is the explanation of hundreds of billions of dollars of defense appropriations little debated in this body for 15 or more years. That is the sound of various Senate declarations of support of Presidential actions abroad, sometimes even before the actions were taken. We have proceeded in the name of national unity and in the language of nonpartisanship. In the presumed pursuit of security, not only politics but the exercise of the separate constitutional powers of the Senate has stopped at the water's edge.

That is the explanation of the Tonkin Gulf resolution of 1964. In that act, the Senate joined the House in deferring to the President. Then, too, the Senate gave assent to what the Executive had done, was doing, and might do in the future in the way of committing the Nation's Armed Forces in Vietnam.

Why did we do it? Why did the Senate adopt the Tonkin Gulf resolution in short order and with only two dissenting votes? Were we fearful of exercising an independent judgment? Was it because we accepted assurances that we were strengthening the hand of the President in protecting American forces already in Vietnam? Were we persuaded

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, what I am about to say has no personal implications for the President, for any Member of this body, or for anyone who may disagree with my remarks. I thought that the President, April 20 last, did an excellent job in quieting the doubts and fears of the American people and, at the same time, raising our hopes on the basis of his previously announced and further announced withdrawals of U.S. troops from Vietnam. Even the campuses were relatively quiet and seemed to be willing to give support to the President's phased withdrawal policy.

Since that time a number of things have happened which have caused a change in attitude, a change in climate, and have brought about a division among our people, a polarization in the Nation, and a gulf between young and old, black and white, hawks and doves.

It has not been helpful to know that the economy has steadily deteriorated. It has not been helpful to know of the stock market convulsion, even after a partial recovery which was a result. I am sure, of a meeting which President Nixon had with a sizable number of American businessmen.

Since that time, also, the President has hailed military gains in Cambodia—and rightly—but critics have feared that what he did in Cambodia will expand, enlarge, and accelerate the war rather than shorten it.

Then, of course, there are those who feel that the President, before he made this precipitate move, should have consulted with Members of Congress, not necessarily with the Democratic Members, although that is always appreciated, but primarily and specifically with his own leaders in the House and the Senate, so that there could have been some show of consultation before the move was made.

The Cambodian adventure—and that is what it is—has raised questions: What is going to happen to the South Vietnamese who remain in Cambodia after the first of next month? What will be the policy of this country insofar as bombing Cambodia is concerned after the first of next month? What will be our concepts, after the capture of huge enemy supply dumps and the like, as to what Peking and Moscow will do in the way of replenishing the material that has been captured, lost, or destroyed?

What about the questions which have been raised with regard to the official explanations? Was it a foray to punish an enemy threat as indicated by Presi-

that a show of unity here would secure freedom in South Vietnam? Were we convinced that what was tantamount to a post-dated declaration of war would so frighten the North Vietnamese as to forestall the further spread of the war and, hence, our deepening involvement?

Such were the reasons for the Tonkin Gulf resolution that were propounded at the time. Such were the judgments of the executive branch. That was almost 6 years ago. The Senate passed the Tonkin Gulf resolution. The Senate acted, we thought, to protect American servicemen already in Vietnam. The Senate gave the green light to go further into Vietnam in order the more quickly, we thought, to withdraw from Vietnam.

The rest is history.

In August, 1964, there were less than 20,000 U.S. servicemen in Indochina. Today there are upwards of 425,000 and under the previous administration the total rose to well over 500,000. In the 11 years before the Tonkin Gulf resolution, our casualties were less than 200 Americans killed—20 a year—in retrospect, even that was far too many—in Vietnam. In the 6 years since, 50,000 have died in Indochina—almost 9,000 a year.

Six years ago the U.S. military presence was confined largely to Saigon and a few coastal Vietnamese cities. The U.S. involvement was still indirect and peripheral. Now 6 years after the Tonkin Gulf resolution, U.S. servicemen are scattered through Vietnam, Laos, Thailand, and Cambodia. The involvement is direct and, notwithstanding the so-called Vietnamization program, it is central to the entire structure of the war in Indochina.

I do not recall this history without a painful awareness of the Senate's part in its writing. Yet it must be recalled. It must be recalled because the Senate is, again, face to face with another Tonkin Gulf resolution. I refer to the Byrd-Griffin modification which is now pending to the Cooper-Church amendment.

Once again, the Senate is asked, in effect, to accept what the executive branch has done, what it is doing, and what it may do with regard to Cambodia. That is the price the Senate is quoted if we would retain even a promise of preventing the further spread of the war under the Cooper-Church amendment. We are asked by the Byrd-Griffin modification to give legal endorsement to whatever course may be set by the executive branch in Cambodia. We are asked to subscribe not only to what is done in Cambodia in the name of the Commander in Chief under this President but, if the war persists, under his successor, whomever he may be and, perhaps, his successor's successor.

That is the nub of the Byrd-Griffin modification. It would establish for the Cambodian policies of the executive branch the same legal basis that the Tonkin Gulf resolution fashioned for the Vietnamese involvement 6 long years ago. The Byrd-Griffin modification says that Cooper-Church will not apply unless the executive branch decrees that it should apply. Under Byrd-Griffin, the statutory wall of Cooper-Church against the spread of our involvement into Cambodia

stands or falls on a word from the White House.

Let the executive branch affirm that what it does in Cambodia is for the purpose of protecting our forces in Vietnam. Let the executive branch assert that what it does in Cambodia is to facilitate the withdrawal of U.S. forces from Vietnam. Let either be said by the executive branch at any time and the Cooper-Church limitations are nullified. No matter that the Senate is not consulted. No matter that the Congress is ignored. No matter how long U.S. forces remain in Cambodia, no matter how many Americans may die in Cambodia, no matter how many more billions are spent in compounding the tragedy of Vietnam, it will all be done with the legal sanction of the Senate.

I know that the authors of the Byrd-Griffin modification do not expect the modification to work in that fashion. I know that the Senator from West Virginia and the Senator from Michigan want not to prolong but to end the involvement in Cambodia. They want to protect American servicemen in Vietnam, not jeopardize others in Cambodia. That is what we all want.

Is it not what we wanted—all of us—when we passed the Tonkin Gulf resolution 6 years ago?

The Byrd-Griffin modification is a direct descendant of the Tonkin Gulf resolution. The clay carries the same imprint. The door to further involvement in Cambodia is not closed by Byrd-Griffin. Byrd-Griffin opens the door wider. It sanctions an in-and-out entanglement in Cambodia. It sanctions a direct or indirect entrapment in Cambodia. It sanctions an ad infinitum involvement in Cambodia even as the Tonkin Gulf resolution did the same for the open-ended involvement in Vietnam.

Byrd-Griffin lifts the Congressional counterweights which Cooper-Church seeks to place against the pressures for expanding involvement in Indochina. It shackles the Senate's responsibility to join its separate constitutional authority with that of the President in a common effort to confine the war and withdraw U.S. forces.

If Byrd-Griffin is adopted on Thursday next, let there be no Monday morning regrets. Let there be no shocked indignation later. Whatever our intent, we will have cleared the way for another Vietnam in Cambodia and, perhaps, for still others elsewhere. The time to face the implications of Byrd-Griffin is now. It is not next year or the year after.

Six years of tragic aftermath to the Tonkin Gulf resolution flags the warning. We cannot consign the Senate's constitutional responsibilities in matters of war and peace. We cannot transfer them to the executive branch under this President or any other. We cannot take refuge from them without doing fundamental violence to the Constitution and endanger the stability of the Republic.

The Senate can work with a President within the constitutional framework in matters of war and peace. It can work with this President or another. But the Senate cannot and must not work for any President, regardless of party con-

siderations, in matters of war and peace. It is not a question of supporting or opposing the President. It is a question of fulfilling our separate constitutional obligations.

I am aware that the President has expressed some sort of unofficial endorsement of the pending modification. The White House has written a letter. That is the President's right and his comments—solicited or unsolicited—deserve the most careful consideration of the Senate. Let us be clear, however, on one point. The President's constitutional responsibility in this matter does not begin at this time. His constitutional responsibility is not activated unless and until this legislation has passed, not only the Senate but also the House. Then and only then does the measure become subject to the President's approval or rejection. Then and only then does it become the Constitutional business of the President.

Now it is the Senate's responsibility. Now, the disposition of the Byrd-Griffin modification is a matter for the Senate alone. We have had the President's letter. We have also had citizens' letters, by the hundreds of thousands. We have had lobbying and lectures. That is appropriate and proper. But the obligation now—the constitutional obligation—is for the Senate alone, for 100 Senators.

May I say that contrary to a great camouflage of words, the Cooper-Church amendment is not an indication of lack of confidence in the President. The mirage of current gossip, notwithstanding, Cooper-Church throws down no Senate gauntlet to the constitutional powers of the Presidency. If that were its intent, I assure the Senate that I would have no part of it. I have too much respect for the office of the Presidency, too much concern for its occupant, whomever he may be, whatever his party.

Cooper-Church is not aimed at this President or any other. Rather, Cooper-Church would strengthen the joint control of the elected representatives of this Nation—of the President and the Congress—over the far-flung activities of this Government in Southeast Asia which for too long have veered too close to the edge of irresponsibility. Cooper-Church would add the strength of the war powers of the Congress under the Constitution to the President's constitutional powers as Commander in Chief.

Cooper-Church would provide not a rebuff but a recourse for the President. It would require, henceforth, that the advice of the continuing counsellors in the executive branch shall be weighed in the scales of responsible congressional consideration before critical new commitments are undertaken in the name of this Nation.

In that sense Cooper-Church might offer an antidote to any tendencies to irresponsibility in government in all of its agencies. Hopefully, it might raise a stop-look-and-listen to discourage the launching of impetuous or precipitous adventures abroad which, in the end, affect deeply the lives of millions of people and jeopardize the welfare of the Republic.

I say "might" Mr. President, because the hour is late, very late.

We have spilled too much of the Nation's young blood in a wasting and mistaken war in Indochina. We have spent too much of the Nation's strength in alien lands for an ill-starred purpose. We have thought too much of saving face and not enough of saving lives. All the while, the troubles within our own borders have multiplied. All the while, flashes of new dangers streak across other horizons. All the while the Nation remains bound in Southeast Asia where fundamental interests are not engaged but great national resources disappear in an endless flow.

The hour is late, very late.

The Byrd-Griffin modification, in my judgment, is the critical vote of this issue. Reject it and the Senate will say that the way out of Vietnam is not by way of Cambodia. Adopt Byrd-Griffin to Cooper-Church and the Senate will still say that the way out of Vietnam is not by way of Cambodia, but only if the executive branch also says the same thing.

The constitutional message of Cooper-Church without this proposed addition is clear. The Senate acts in concert with the President's expressed determination but under its own legal responsibility in an effort to curb the further expansion of the war in Indochina. The Byrd-Griffin modification clouds that message.

In my judgment, the Senate should keep the Cooper-Church amendment free of distortion. The credibility of the Senate demands it. The urgencies of the Nation require it.