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Coal Slurry Pipeline

Mike Mansfield 1903-2001

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It says nothing about Sharm al-Sheikh.
It says nothing about the PLO.
So I want to make it clear, if I may, that this is the first small step toward what can become a real involvement as far as this Nation is concerned and, for the first time in this situation, a direct involvement.
Mr. President, I oppose this resolution.
Senators should not be under any illusion. This is not simply a resolution to authorize the President to send 200 civilian technicians to the Sinai.
It is a resolution to alter radically the United States' role in the Middle East, the most volatile and dangerous area in the world.
It is a resolution which would result in the Senate's ignoring the treaty provisions of the Constitution.
It is a resolution which will trigger far-reaching commitments to Israel and Egypt without either Congress or the American people knowing the extent of those commitments.
Finally, it is a resolution which has ominous parallels to Congress consideration of the Gulf of Tonkin resolution.
Eleven years ago the Congress, in great haste, approved the Gulf of Tonkin resolution. Then, as now, there were pleas from the executive branch for speedy action. No member of this body contemplated that his vote for that resolution would lead to 11 years of war and more than a third of a million American casualties.
The 303,000 Americans were wounded, more than 5,000 Americans are dead, and the cost will reach about $400 billion before the end of the first half of the next century.
At that time the role of the United States in Vietnam was only as advisers. No change in that role was intended by Congress in passing that resolution, as the distinguished Senator from Wisconsin has so aptly brought out. He referred not to the Gulf of Tonkin resolution as being responsible for our participation in Vietnam, but to the Congress, but when we voted the first appropriation bill.
Here, too, we have a resolution rather innocuous on its face, contemplating only the sending of a limited number of civilian technicians. But, as we should have learned from our experience in Indochina, all too often, events, not good intentions, shape, and control policy.
There is another uncanny reminder of the Gulf of Tonkin resolution here. On Wednesday, the Foreign Relations Committee initially approved an amendment to the text of the House resolution which would have eliminated the implication in section 5 of the resolution before us that the President has inherent authority to make the commitments contained in the underlying secret agreements with Israel and Egypt. Later, the committee reversed itself and struck out that amendment on the grounds that the resolution would risk having to go to conference with the House and delay final congressional action on the measure. We are acting somewhat the same today.
I recall that during the closing moments of the debate on the Gulf of Tonkin resolution Senator NELSON proposed an amendment which would have reiterated that the American role in Vietnam was to be limited to giving of aid and advice. Senator Fulbright, the floor manager of the resolution, said that, although the amendment reflected President Johnson's policy, adoption of it by the Senate would probably require a conference with the House and delay final passage. History may have taken a different turn if the Senate had done what was right rather than what was expedient, and had followed the advice of the distinguished Senator from Wisconsin (Mr. NELSON).
Mr. President, the sending of American technicians to the Sinai changes the nature of our involvement in the Middle East. By placing the American flag in the middle of the conflict the chances of our involvement in the next round of fighting, should it occur, will be greatly increased, as will the danger of a confrontation with the Soviet Union. This action diminishes the peacekeeping role of the United Nations, because they are the ones who should have furnished the technicians. Instead of strengthening that role we are weakening it. I fear that this arrangement for an Israeli withdrawal from some 1,500 square miles of sand—possibly one-tenth, certainly no more, of the entire Sinai—has not enhanced, but has diminished, the prospects for an overall settlement.
It will be argued that Congress has minimized the danger that the technicians will serve as a tripwire to U.S. military involvement in specifying in the resolution that the technicians must be removed if fighting breaks out and that they can be removed by concurrent resolution if Congress thinks they are in danger. Congress is deluding itself if it thinks that these technicians can be pulled out without thereby virtually incurring an outbreak of fighting itself. Does the Senate want to take on the responsibility for triggering another round of fighting?
And how would we get the technicians out by use of our military forces, of course.
There are too many potential pitfalls which have not been adequately examined in connection with this proposal.
Much stress has been placed on the fact that civilians, not military men, will be sent to the Sinai. I find no comfort in that argument.
Is the American flag any less involved because they will be civilians?
Are assigned civilians any less deserving of protection by their Nation?
I think not. A national commitment will be involved, either way.
Although the resolution states that passage will not constitute approval of the underlying agreements, this is but an attempt to allow Congress to have its cake and eat it, too. No language in this resolution, the committee report, or anything from Secretary Kissinger can change the essential fact that the technicians are a part of a package deal. Here again, I raise the issue of the Senate's ignoring the assurances contained in the secret agreements.
These agreements are part and parcel of the overall arrangement. If there is any doubt on this score, the State Department has told the Congress that two of the agreements with Israel will not be signed until after Congress has approved the sending of the technicians. No congressional approval is sought for those agreements. It is alleged by the State Department that they are within the President's power to make unilaterally. Once the Congress approves the sending of the technicians, it is morally and politically bound to support the package. Congress cannot wash its hands of the pledges in the other agreements, without a specific statement of disapproval. In action will be construed as consent.

The disclaimer in the resolution reminds me of the provision the Senate put on the initial Cambodia aid bill in 1970, following the beginning of our military involvement there. The provision stated that by giving aid, the United States was not committing itself to defend Cambodia, thus allowing Congress to say that it had not approved any commitment to the Lon Nol government. But that was followed by more than 4 years of doing precisely what Congress said we were not committed to do. The underlying agreements with Israel and Egypt are there and in this resolution Congress has done nothing to challenge their validity.

Executive branch spokesmen have attempted to downplay the significance of the underlying agreements, which will not be presented to the Congress for approval. Yet the Senate's legislative counsel concludes:

Constitutionally, Agreement E (with Israel), and possible G (with Israel), and H (with Egypt), are beyond the power of the President to enter into without the advice and consent of the Senate.

For the last several years the Senate has attempted in various ways to restore Congress' proper role in the making of foreign policy. This has focused on efforts to restrain the Presidential practice of making unilateral commitments to foreign countries without congressional approval. Three years ago, for example, the Senate by a vote of 50 to 0 said that any base agreement of foreign aid pledge to Portugal or Bahrain should be submitted as a treaty, subject to the advice and consent of the Senate.

But, the Senate is unable to debate the executive branch's interpretation of these agreements, which will be signed when Congress approves this resolution, because the State Department's legal opinion is classified "secret." How many Members of this body know what is in that document? How many can say, in the view of the executive branch, what the United States is legally committed to?

Yet, in voting for this resolution we will be saying to the President, "I do not contest your right or authority to make the kind of commitments con-