INFORMATION TO USERS

This dissertation was produced from a microfilm copy of the original document. While the most advanced technological means to photograph and reproduce this document have been used, the quality is heavily dependent upon the quality of the original submitted.

The following explanation of techniques is provided to help you understand markings or patterns which may appear on this reproduction.

1. The sign or “target” for pages apparently lacking from the document photographed is “Missing Page(s)”. If it was possible to obtain the missing page(s) or section, they are spliced into the film along with adjacent pages. This may have necessitated cutting thru an image and duplicating adjacent pages to insure you complete continuity.

2. When an image on the film is obliterated with a large round black mark, it is an indication that the photographer suspected that the copy may have moved during exposure and thus cause a blurred image. You will find a good image of the page in the adjacent frame.

3. When a map, drawing or chart, etc., was part of the material being photographed the photographer followed a definite method in “sectioning” the material. It is customary to begin photoing at the upper left hand corner of a large sheet and to continue photoing from left to right in equal sections with a small overlap. If necessary, sectioning is continued again – beginning below the first row and continuing on until complete.

4. The majority of users indicate that the textual content is of greatest value, however, a somewhat higher quality reproduction could be made from “photographs” if essential to the understanding of the dissertation. Silver prints of “photographs” may be ordered at additional charge by writing the Order Department, giving the catalog number, title, author and specific pages you wish reproduced.

University Microfilms
300 North Zeib Road
Ann Arbor, Michigan 48106
A Xerox Education Company
LEMLEY, Steven Smith, 1945-
A RHETORICAL STUDY OF THE EXECUTIVE-
LEGISLATIVE STRUGGLE FOR INFLUENCE IN
FOREIGN POLICY: THE SENATE FOREIGN
RELATIONS COMMITTEE HEARINGS ON AMERICA'S

The Ohio State University, Ph.D., 1972
Speech

University Microfilms, A XEROX Company, Ann Arbor, Michigan

© 1973
STEVEN SMITH LEMLEY

ALL RIGHTS RESERVED
A RHETORICAL STUDY OF THE EXECUTIVE-LEGISLATIVE STRUGGLE
FOR INFLUENCE IN FOREIGN POLICY:
THE SENATE FOREIGN RELATIONS COMMITTEE HEARINGS
ON AMERICA'S ROLE IN SOUTHEAST ASIA, 1964-1971

DISSERTATION
Presented in Partial Fulfillment of the Requirements
for the Degree Doctor of Philosophy
in the Graduate School of The Ohio State University

By
Steven Smith Lemley, B.A., M.A.

The Ohio State University
1972

Approved by

James L. Hollow
Adviser
Department of Speech-Communication
PLEASE NOTE:

Some pages may have indistinct print.

Filmed as received.

University Microfilms, A Xerox Education Company
ACKNOWLEDGMENTS

I was aided in initiating, writing and completing this dissertation by my adviser, Dr. James Golden. His insights and suggestions were invaluable. Dr. Wallace Fotheringham and Dr. William Brown also provided assistance. These three men exercised a particularly constructive influence on my work at Ohio State.

The encouragement and inspiration from my wife, Emily, was and is most important. None is as responsible for my continuing education as is she.

I also wish to acknowledge my parents influence and their interest in this project along with my parents-in-law.

Finally, I must recognize the valuable assistance given me in reading microfilm and taking notes which Marilyn Young provided.
VITA

January 7, 1945 . . . . Born - Oakland, California

1963-1965 . . . . . Lubbock Christian College
Lubbock, Texas

1966 . . . . . B.A., Pepperdine College
Los Angeles, California

1966 . . . . . Pepperdine Year-in-Europe

1966-1967 . . . . Departmental Assistant
Pepperdine College
Los Angeles, California

1967-1970 . . . . Associate Minister
Church of Christ
Garden Grove, California

1970 . . . . . M.A., Pepperdine College
Los Angeles, California

1970-1971 . . . . Teaching Associate
Department of Speech Communication
The Ohio State University
Columbus, Ohio

1970-1972 . . . . Minister, Church of Christ
Heath, Ohio

1970- . . . . . Associate Editor, Power for Today
Magazine

1972- . . . . . Associate Dean of Student Life
Assistant Professor of Communication
Pepperdine University
Malibu, California
FIELDS OF STUDY

Rhetorical Theory. Professors James Golden and Richard Riecke

Public Address. Professors James Golden and Goodwin Berquist

Communication and Persuasion Theory. Professors Franklyn Knower and Wallace Fotheringham

Symbolic Processes. Professor Jack Douglas

Methodology in Communication and Criticism. Professors Wallace Fotheringham, Joseph Foley, and William Brown

Broadcasting. Joseph Foley
TABLE OF CONTENTS

ACKNOWLEDGMENTS ................................................................. ii
VITA ......................................................................................... iii

Chapter

I. INTRODUCTION ................................................................. 1

SECTION I
THE INCIPIENT PHASE

II. CONTEXTS OF AMERICAN INVOLVEMENT IN SOUTHEAST ASIA ........................................ 28
III. THE RHETORICAL SITUATION .......................................... 83

SECTION II
THE RHETORICAL CRISIS PERIOD

IV. THE TELEvised HEARINGS OF 1966 ................................. 141
V. 1966-1968: RHETORICAL IMPASSE .............................. 219

SECTION III
ENTERING THE CONSUMMATORY PHASE

VI. THE COMMITTEE TAKES ACTION ................................. 271
VII. EVALUATION AND SUMMARY .................................. 318

BIBLIOGRAPHY ................................................................. 350
CHAPTER I

INTRODUCTION

Americans have generally been aware of their involvement in Southeast Asia for only a decade—a long time as American wars go, but not as long as the nation has affected that part of the world. It has been a war seen on the evening news, and still it has been viewed through a haze of misunderstanding and even mystery. There is probably little national understanding of the circumstances of our initial involvement, the process of escalation and what followed, or what has been gained by spending incomprehensible sums of money and losing tens of thousands of young lives. Those topics will provide grist for journalists and scholars for many years. This study is concerned with another aspect—the impetus which the war gave to the legislative branch of our government to gain more power over foreign policy decision-making.

An Overview of Events

From early summer, 1964, the Administration had been considering calling for a Congressional resolution "to dramatize and make clear to other nations the firm resolve of the United States Government in an election year to support the President in taking whatever action was necessary to resist
Communist aggression in Southeast Asia."¹ Not until August, when an encounter between North Vietnamese and American vessels was reported from the Gulf of Tonkin, was the climate considered right for such a resolution. After launching a retaliatory attack against the North Vietnamese, President Johnson called a meeting with "nine Senators and seven Congressmen" to describe the attack. The consensus among those elected representatives was that Congress would support the President's action and the resolution he wanted to introduce.² On August 6, 1964, the Southeast Asia Resolution was submitted to the Senate Foreign Relations Committee. It stated that "Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." The last section of the resolution provided that its binding force would "expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress."³ Secretary


of State Rusk explained the purpose of asking for the resolution as a way to "make it quite clear to the entire world that we are prepared to take the steps that may be required to insure the security of those to whom we are committed."^4

The Senate passed the resolution with only two dissenting votes cast by Gruening of Alaska and Morse of Oregon. The House passed it unanimously. The President's course of action had the blessing of Congress but there were second thoughts almost immediately.

The Administration failed to keep its Congressional fences repaired. In fact, The Pentagon Papers reveals that the Administration dropped its concern for continued Congressional authorization; as plans for escalation developed, "the question of Congressional authority was never seriously raised."^5 Evidently, the Administration believed that the Southeast Asia Resolution would swing Congress and public opinion around behind the President's policies. In spite of the President's hope, there was considerable disagreement within Congress over the meaning of the resolution. The writers of The Pentagon Papers were aware of trouble brewing:

Despite the nearly unanimous votes of support for the resolution, Congressional opinions varied as to

---

^4Ibid., p. 4.

the policy implications and the meaning of such support. The central belief seemed to be that the occasion necessitated demonstrating the nation's unity and collective will in support of the President's action and affirming U.S. determination to oppose further aggression. However, beyond that theme, there was a considerable variety of opinion . . . . Several spokesmen stressed that the resolution did not constitute a declaration of war, did not abdicate Congressional responsibility for determining national policy commitments and did not give the President carte blanche to involve the nation in a major Asian war.6

Five years later, Lyndon Johnson still insisted that Congress knew exactly what the implications of the resolution were.7

Support for the President's Southeast Asia policies decayed rapidly. Not only were many of the young, draftable men of America in a quandary; some of the nation's most respected elected officials began to react. In the Senate Foreign Relations Committee there was an increasing atmosphere of dissent. In 1966 the Committee held a series of televised hearings which called Administration officials to task for their war policies and their lack of consultation with Congress. It was the beginning of a vigorous campaign on the part of some of the Committee members to modify the conduct of the war and the Administration's methods of planning foreign policy.

In 1967 the Senate reaffirmed its support of Presidential policy in a resolution, but it was not enough to halt the growing disenchantment. In March, 1968,

6Ibid.

7Johnson, The Vantage Point, pp. 118-19.
President Johnson withdrew himself from consideration as a candidate in the November elections, citing the need for unity as a reason.

A change of administrations did not stop Committee activity. The National Commitment Resolution, introduced by Fulbright, passed the Senate 70-16 in June, 1969. It affirmed that:

(1) a national commitment for the purpose of this resolution means the use of the Armed Forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the Armed Forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.  

Then, in June, 1970, the Senate repealed the Gulf of Tonkin Resolution (a hollow victory—the Administration said it did not need the Resolution, anyway), and the Cooper-Church Amendment was passed to bar United States military activity in Cambodia and to claim the right to refuse aid to the Lon Nol government.

On December 7, 1971, the Senate Foreign Relations Committee unanimously approved legislation that would place restrictions on the war-making powers of the Presidency— it was done on the thirtieth anniversary of the Japanese attack.

on Pearl Harbor. Jacob K. Javits, a long-time proponent of more Congressional control of foreign policy, and John Stennis, a "hawk" and traditional supporter of Presidential control of foreign policy, co-sponsored the bill in the Senate. In Committee hearings, Stennis said that the United States should never again go to war "without the moral sanction of the American people" and said that there needed to be a restored balance between the legislative and executive branches on foreign policy.\(^9\)

The provisions of the bill were far-reaching. It would allow the President to "forestall" an attack and protect American citizens being evacuated from a nation at war, but the President could not continue military action for more than thirty days without approval from Congress. The President would be unable to send military advisers to another country without Congressional approval. For good measure, the bill provided that even in an emergency the President should seek Congressional approval of his actions.\(^10\) Regardless of the ultimate fate of the bill, the very fact of its passage by the Committee is significant.

**Summary**

The war in Southeast Asia generated debate about many of its aspects: enclaves, bombing Haiphong Harbor, defoliation. But one of the most important effects of the

---


debate has been a re-evaluation of the role of elected representatives in the formation and execution of warmaking and foreign policy. The Senate Foreign Relations Committee provided a platform, created an atmosphere, asked provocative questions, and worked toward answers. This study will examine those hearings, particularly as they relate to Vietnam, for the course, of the debate over the proper balance of power between the Executive and Legislative branches of government in foreign policy-making.

Sources

There are few problems with finding the essential material for this kind of study. Secondary sources are plentiful; books and articles are being published about many phases of the war and related issues. Primary sources, the heart of any original research, are also available for this study.

Primary Sources

Obviously, the most important primary sources for this study are the hearings. Transcripts of the hearings are available in numerous depositories across the nation, are conveniently bound, and are kept reasonably current. The hearings transcripts cover many topics which are relevant to this study; typical titles for hearings which will be useful are Southeast Asia Resolution Hearing, Supplemental Foreign Assistance, Fiscal Year 1966—Vietnam, The Gulf of Tonkin, the 1964 Incidents, Briefing by Secretary of State
William P. Rogers, United States Security Agreements and Commitments Abroad--Kingdom of Laos.

Perhaps as many as 5,000 pages of hearings were sifted for the appropriate material for analysis. Fortunately, the hearings are arranged by sections and headings are provided for each section so that the researcher's job is expedited somewhat.

Secondary Sources--General Works

There is a growing body of material on the Indochina war. Marcus G. Raskin and Bernard B. Fall have edited The Viet-Nam Reader and Fall has done other significant work on the war. Chester L. Cooper's The Lost Crusade: America in Vietnam is a thorough book. Former newscaster David Schoenbrun has written Vietnam. Anthony Austin's The President's War follows the thesis of the title.

Secondary sources will also be used for sections dealing with foreign policy attitudes of Americans and factors in our culture which help account for our actions in Vietnam. The American Experience by Henry Bamford Parkes is one such representative work.

There are scores of books on the Presidency which contain comment on the foreign policy powers of the President. Representative books are: Presidential Power, the Politics of Leadership by Richard E. Neustadt; The American Presidency by Harold J. Laski; Presidential Government by James McGregor Burns.
The Congress has received its share of analysis. William L. Morrow has written a study of Congressional Committees. Louis W. Koenig's *Official Makers of Public Policy: Congress and the President* is a study of the balance of powers between the two branches. There are helpful surveys of the legislative process in such books as Dale Vinyard's *Congress*. *Advise and Obstruct* is an anecdotal survey of the advise and consent function of Congress by Hugh Gregory Gallagher.

**Secondary Sources--Monographs**


**Theses and Dissertations**

The field of speech-communication has given rise to a few dissertations on subjects pertaining to Vietnam. For example, Marlin Connelly has written on Lyndon Johnson's speaking, Richard Bailey has written on Williams Fulbright's "arrogance of power" speeches, and some work has been done on the rhetoric of the student peace movement. For the purposes of this study, the help given by theses and dissertations will be marginal.
Periodicals

Important periodical sources for this study include the major newspapers: New York Times, Washington Post, Wall Street Journal, Christian Science Monitor, Chicago Tribune, Los Angeles Times, etc. The study relies on some material from magazines such as Newsweek, Time, U.S. News & World Report, Atlantic, New Republic, etc.

Criteria for Selection of Material to be Analyzed

When a researcher examines masses of discourse, hoping to extract particular themes for analysis, there is a need for some basic standard by which the material is selected. The bulk of the Senate Foreign Relations Committee hearings pertaining to the war in Southeast Asia dealt with the existing situation in Vietnam, what might be expected in the form of troop commitment and financial aid, what alternatives appeared to exist. But since this dissertation will search out the dimension of a power struggle between investigating Senators and Administration witnesses, a special guideline based on the language of values will be used.

The Language of Values

According to Richard B. Brandt in Ethical Theory, the language of values consists of "statements in whose predicates are the words, is a desirable thing, is morally admirable or reprehensible, is a good thing, is praiseworthy,
and the like."¹¹ Paul Edwards in *The Logic of Moral Discourse* has two classes of judgments: "The first is the value-judgment or moral judgment in which key predicate words are good, desirable, worthwhile, and their equivalent. The second is the judgment of obligation, as signalled by words like ought, oblige, and duty."¹² Charles K. Morris explains that signs have dimensions: designative inquiry deals with what "is," prescriptive inquiry deals with what to do (ought), and appraisive inquiry deals with what to prefer (good).¹³ The debate on influence in foreign policy and war-making was cast in the language of values.

**Application**

The above categories are broad, but they serve to eliminate from consideration much of the verbiage in the hearings at face consideration. Those statements about where the emphasis of power ought to be placed, all discussions of challenge to executive power, will be of special importance to this study.

Related to this issue are other problems which are usually clearly defined by the participants in the hearings: The role of Congressional resolutions in foreign policy, i.e.,


declarations of war, the "Gulf of Tonkin Resolution" in particular. Questions of the legality of the war and the morality of the war are considered as challenges to executive authority. Also, the issue of secrecy and Executive access to information is contained in the legislative challenge to the Executive.

These questions all have the tone of the obligatory or the preferable. In the context of hearings where thoughts and words often run in several directions in quick succession, there is a minimum of subtlety so that when a Senator or Administration witness turns to one of these themes there is usually a clear break. An example of the kind of material to be considered can be found in a 1966 hearing; after entering Senate debate from August 6, 1964 (on the Southeast Asia Resolution) into the record, Fulbright spoke to Dean Rusk:

The point is that I, along with most of the committee did not at that time visualize or contemplate that this was going to take the turn that it now appears about to take. I do not know whether resuming bombing will result in escalation, but such statements as in this morning's paper by the chairman of the Subcommittee of Preparedness, indicate that this could well be heading toward a nuclear war. I think that is a mission quite different from what I had in mind at that time.

Rusk: I think, Senator, it is entirely fair to say that the exact shape of the situation as it has developed was not known in August of 1964, and that the exact measures which might have to be taken to give effect to the policy could not then be known and completely clarified, because so much of this turns upon what the other side has been doing during this period.

But the policy of the Southeast Asia Treaty and the policy of the United States, as expressed both by the executive and the legislative branches . . . .

Fulbright: Wouldn't you agree though in light of that, that that should not be interpreted as an
authorization or approval of an unlimited expansion of the war?

Rusk: Well, we are not in a position of an unlimited expansion of the war. The steps that have been taken have been taken over a period of time with considerable caution and restraint, while every possibility of peace was being explored. And, on these matters there has been frequent consultation with the various committees and the leadership of the Congress as the situation has developed.\textsuperscript{14}

Rhetorical criteria will be applied to such selected passages. Now, let us turn to an examination of the research design and methodology used in this study.

\textbf{Research Design}

The practice of rhetorical criticism requires a tool—a model or methodology—so that the material under consideration can be circumscribed, analyzed, and presented in a meaningful form. The critic may be confronted with a competing array of models and methodologies and may wish to create an individualized methodology or to synthesize from several methodologies.

Because the Vietnam hearings were spread over several years, there is a special critical problem. The length of time covered means that between 1964 and 1971, many different speakers must be considered. Those Senators which were on the Committee from 1964 to the present varied, not only in their position on the war and on the balance-of-power problem, but also in style and stature before the public. The hearings comprise one event, and yet, they

are many different events. The content of discourse changed. The audience(s) changed in size and in intensity of commitment. What perspective and what methodology, then, is suitable for a study of this kind?

A Framework: The Campaign/Movement Approach

Wallace Fotheringham suggests that while the "ultimate goal of all persuasive efforts is action," Action has been placed in a too-restricted concept: "Action has been conceived only as a change in behavior, the adoption of different behavior." There are other kinds of goals for persuasion--he defines persuasion: "In terms of action-goals, then, we can view persuasion as those instrumental effects to which messages have been a dominant contributor, and which are brought about to facilitate the adoption of, continuance of, deterrence of, or discontinuance of actions in others." Having questioned the efficacy of a "one-shot" approach to a communication problem, he is prepared to view "persuasion as a campaign--a structured sequence of efforts to achieve adoption, continuance, deterrence, or discontinuance . . . ."15

The campaign approach holds promise for a study of the Committee hearings. One qualification which must be brought to bear on the entire analysis of the hearings is the possibility that they cannot properly be called "a

15Wallace C. Fotheringham, Perspectives on Persuasion (Boston: Allyn and Bacon, 1966), pp. 32-34.
structured sequence of efforts" to gain specific goals in the earlier stages. It must be asked at what point members of the Committee seemed to perceive themselves as persuaders, embarking on a conscious campaign, instead of inquirers.

A viewpoint closely related is the movement approach. There are at least two varieties of movement study; one is the social movement, defined by Herbert W. Simons as "an uninstitutionalized collectivity." He distinguishes social movements from "the actions of recognized labor unions, government agencies, business organizations, and other institutionalized decision-making bodies." Although Simons allows for a moderate rhetorical strategy within a social movement, employing the traditional emphasis on discourse, he still places it outside an institutional (i.e., United States Senate committees) framework. By Simons' definition, the Committee hearings cannot be equated with a social movement since they were always conducted within an institutionalized framework.

Nevertheless, the Senate Foreign Relations Committee hearings were viewed by the American public and by the Administration as persuasive attempts to change Presidential policy in Southeast Asia. It will be shown how members of the Committee were labeled "treacherous" along with radical members of the non-institutional peace

---

movement. In the total context of all the public reaction to the war, the Committee hearings do seem to have been a part of it. Perhaps Simons would allow the dissident Senators the place of "legitimizers" in the peace movement.

A second kind of movement is the historical movement, given form for rhetorical criticism by Leland Griffin. A historical movement has occurred when

at some time in the past: (1) men have become dissatisfied with some aspect of their environment; (2) they desire change—social, economic, political, religious, intellectual, or otherwise—and desiring change, they make efforts to alter their environment; (3) eventually, their efforts result in some degree of success or failure; the desired change is, or is not, effected; and we may say that the historical movement has come to its termination.17

Griffin writes that if rhetoric is indigenous to a historical movement, it passes through three phases. First, there is a period of inception when the public "notices pre-existing sentiment" or where "a striking event stirs up aggressor rhetoricians."18 Gronbeck adds that the inception phase may have discourse which is concerned with defining the problem and setting forth a solution. He writes that in this phase, "legitimizing" is a requirement; merit is conferred on a course of action by someone with "influence and prestige." It would seem


18 Ibid., p. 186.
that the inception phase of a rhetorical movement would be bound up with the idea of the rhetorical situation.19

The second phase is the "period of rhetorical crisis." This is "a time when one of the opposing groups of rhetoricians ... succeeds in irrevocably disturbing that balance between the groups which had existed in the mind of the collective audience." Griffin suggests that the balance may be upset when old appeals are abandoned, new arguments set forth, different communication channels are used, or the old channels are flooded with discourse.20 Gronbeck draws on Eric Hoffer to point out that in this phase, discourse may function to bring about an "ingathering" where a "power base" is built. Then discourse is used in the "pressuring" of "power agents" to reform.21

The last phase is consummation--rhetorical efforts are abandoned because the effort is won or lost, or discounted as useless and unimportant.22 Gronbeck says that in this stage, discourse functions to bring about "compromising" with power agents in order to produce some gain.


21Gronbeck, "The Rhetoric of Social Change."

Their discourse may function to satisfy followers of the movement that a victory has been accomplished.  

Summary of the General Framework

Applying the rhetorical-historical movement framework to the Committee hearings, it can be seen that a group of Senators, including the Chairman of the Senate Foreign Relations Committee, became dissatisfied with their environment. They were unhappy with the Administration's control of foreign policy-making and its war policies in Vietnam. In making their dissatisfaction known, they jolted the balance of power between Legislative and Executive functions in foreign policy--first through widely publicized discourse and later through attempts at legislation. Their efforts await further evidence of consummation.

The dissidents who dominated the hearings formed a historical-rhetorical movement within a relatively conservative institution. At various times they appeared to harbor goals in holding the hearings. These goals emerge as a campaign to bring about action such as adoption, continuance, deterrence, and discontinuance. This assumption will serve as the over-arching strategy in approaching this study. The application of critical methods will be done in the framework of the three phases of a historical-rhetorical movement with a consideration  

\[23\text{Gronbeck, "The Rhetoric of Social Change."} \]
in each phase of the goals of action and how they changed. One particular methodology, devised by Wayne Brockriede, will be used in this study.

**Method of Rhetorical Analysis**

Wayne Brockriede's "Dimensions of the Concept of Rhetoric" suggests some interesting ideas for a rhetorical-historical movement study. Brockriede's dimensions offer the possibility of discovering how persuasion serves to direct and develop the movement's progress and it brings the content of discourse into prominence. Brockriede postulates that three categories of dimensions are found, in some combination, in every rhetorical transaction: There are interpersonal dimensions, attitudinal dimensions, and situational dimensions.

He considers that "liking" or "interpersonal attraction" is a dimension within the interpersonal category, along with power ("the capacity to exert interpersonal influence") and the psychological "distance" between people and groups.24

In the attitudinal category, he places the dimensions of "Attitudes toward the central idea in a choice-making situation" and "Ideological structure of other related

---

attitudes and beliefs." He writes that attitudes "have homes in ideologies."25

In the situational category, Brockriede places the dimensions of: "format," that is, "how procedures, norms, and conventions operate to determine who speaks and who listens;" also "channels" which include verbal and non-verbal means; "people" which get at a description of such things as homogeneity of interacting parties, involvement, and degree of organization; "functions," which ask questions of the interpersonal and attitudinal dimensions about what the agents are trying to do with discourse; "method" is an examination of the "instrumental role" within another dimension, including materials and form of presentation, along with style; "contexts" include analysis of time and place.26

Brockriede grants that the critic "May identify the single most compelling dimension of a rhetorical act under consideration and then investigate how that dimension interrelates with others which appear to be relevant."27 The next section will present the dimensions most appropriate for this study.

Summary of Methodological Considerations

The hearings will be analyzed with above-mentioned dimensions in the context of a rhetorical-historical movement. An important feature of the dimensional methodology

25Ibid., p. 5. 26Ibid., pp. 7-11. 27Ibid., p. 12.
which makes it appropriate for this study is a well-developed concept of the kinds of power and the power structure which are both aspects of the power dimension. Since the hearings on Vietnam are shot through with an aggressive rhetorical attempt to wrest a greater measure of foreign-policy power on the part of the Senate, and since the focus of this study is on that aspect of the hearings, the power dimension will be considered at the rhetorical heart of the hearings. Other dimensions, such as interpersonal distance, will be examined as they are apparent in the persuasive discourse of the hearings.

Objectives and Justification of the Study

This dissertation has at least three objectives which help justify its existence. From the standpoint of speech-communication, campaign/movement studies are of theoretical interest. There is an ongoing search for standards by which rhetorical movements can be evaluated; the rhetorical movement study is still in its incipient phase. One objective of this study is a contribution to the growing body of knowledge about rhetorical movement theory.

A second objective of this investigation is the understanding of the relationship between power and persuasion. Richard Neustadt wrote in Presidential Power:

The President of the United States has an extraordinary range of formal powers, of authority in statute law and in the Constitution. Here is testimony that despite his 'powers' he does not obtain results by giving orders. He also has extraordinary status, ex officio, according to the customs of our government
and politics. Here is testimony that despite his status he does not get action without argument. Presidential power is the power to persuade.28

The same things might be said for Congress. While this study is not centered so much on Presidential power as it is on a campaign for greater Congressional power, Neustadt's paragraph has important implications. This study asks whether persuasion is a viable tool for the achievement of greater power on the part of one branch of government over the other.

A third objective is societal. The student of speech-communication who is conscious of the needs of society and who is interested in political processes may legitimately ask whether his work will be of value to those outside the field. It is a goal of this study to contribute to a better understanding of the impact of the Indochina war on our governmental processes and vice versa.

There are other considerations, less general than the objectives mentioned above. In brief form, here are some of the points of inquiry which have guided the research. Some will be discussed in the final chapter while others find a place in the intervening material.

1. What audiences were being addressed by those who held various positions in the hearings?

2. How did the Committee's choice of witnesses affect the persuasive process?

3. What audience premises were drawn upon by Administration witnesses and Senators?

4. What were some of the motivations for the hearings?

5. What changes in rhetorical goals and strategies took place and why?

6. What fixed (i.e., Constitutional limitations) factors influenced the debate and how were they handled?

7. What is the prospect for the philosophy of "advise and consent" for this decade?

8. What presentational (non-discursive) factors aided/hindered the effect sought by Senators and Administration witnesses?

9. What can be said about the effect of seven years of hearings?

While the conclusions of this study are not restricted to these points, they will serve to guide the inquiry through its several divisions.

**Divisions of the Study**

As has already been mentioned, the study will be divided into three main phases which correspond to Griffen's model for historical movements: The incipient phase, the rhetorical crisis period, and the consummatory phase. Within this context, the study is arranged chronologically.
In the incipient phase, chapter two, "Contexts of American Involvement in Southeast Asia," is a discussion of the origins and development of Cold War thought as well as the images which Americans have historically held for Asians. Both of these subjects help explain the motives of American involvement. There is a section which delineates the issue of sharing war-making powers between Congress and the President, discusses the various interpretations of the Constitution on the point, and examines some examples of the conflict. A lengthy survey of the American role in Vietnam since 1945 is included in this chapter as is a short survey on the Senate Foreign Relations Committee and its function.

In chapter three, there is a study of the rhetorical situation out of which the hearings came. First, there is an explanation of the meaning of Lloyd Bitzer's phrase which entitles the chapter. The elements of the rhetorical situation include the Gulf of Tonkin incidents and the domestic response, the course of the Southeast Asia (Gulf of Tonkin) Resolution through the Senate Foreign Relations Committee and the Senate, the presidential campaign of 1964 with special attention given to Lyndon Johnson's position on the war, and a section which traces the growth of opposition to the war by Fulbright and his colleagues. There are two analytical sections. One deals with the often-alleged inconsistencies in Fulbright's position as he first supported the Gulf of Tonkin Resolution and then opposed American
involvement in Vietnam. The other section analyzes the apparent inconsistencies between Johnson's pre-election statements on the war and his actual conduct of the war after the election.

Moving into the rhetorical crisis period, chapter four is an examination of the first series of critical hearings which took place in February, 1966. The significance of their being broadcast on television is discussed along with the non-discursive elements which entered into that circumstance. Another section is on the audiences addressed by the various participants. The hearings are analyzed, day by day, with special attention given to themes such as the American role in international affairs, secrecy in international affairs, attempts to justify or degrade the hearings, and the constitutional power issues. There are brief sections which analyze the factors of the rhetorical power struggle as well as the variations in interpersonal distance between Administration witnesses and critical Senators. There are also sections which discuss public reaction to the hearings.

Chapter five contains analysis of power themes from several hearings extending from 1966 through March, 1968. It will be shown that this period was characterized by an inability to move the dissent into new areas or to convert it into action. There was a stagnation of rhetorical goals on the part of the Committee but a considerable amount of drift in the attitudes of individual Senators toward an
anti-administration position. A transitional period began toward the end of 1967 as the Senators initiated a clear attempt to block the execution of Administration policy. The chapter ends with Lyndon Johnson's forfeit of the Democratic nomination.

The sixth chapter continues the hearings through the sessions on war powers legislation in 1971. This period is considered to be the beginning of a consummation stage, or at least it was perceived as such by critical Senators. During this period there were times of disinterest and loss of will on the Committee's part. Rhetorical goals seemed to shift from session to session as confusion mounted over the course of the new Nixon Administration. Although discussion continues on Vietnam and its related issue of sharing power, these chapters cover the period when the situation was calling for the Committee's response and when the Committee had its greatest influence.

It should be noted here that the last chapter contains the preponderance of analysis of the entire series of hearings. There are short sections which suggest the direction of the study included in each chapter, but the final summary and interpretation will be reserved for chapter seven.

Before taking the hearings under consideration, it is appropriate that there be a narration of the relevant events in the incipient phase.
SECTION I

THE INCIPIENT PHASE
CHAPTER II

CONTEXTS OF AMERICAN INVOLVEMENT IN SOUTHEAST ASIA

Some Underlying Motives for United States Foreign Policy

The actions of the United States in Southeast Asia originated in national attitudes and standards of conduct. Before exploring some of our actions and their results, it would be helpful to review some of the underlying currents of American philosophy which have traditionally affected foreign policy. Henry Bamford Parkes suggests several instructive ideas on American political thought. National security, economic competition, and an evangelistic outreach with its ideology belong to the American thought pattern. In the context of these three areas, some contemporary examples can be found. For instance, the period just following World War II was caught up in alarm over the security of American interests. George Kennan, "Mr. X," enunciated his influential "containment" view which was a solution to the security threat. There were variations on his view, but the main thrust of his "containment" strategy influenced our view of Southeast Asia. The evangelistic emphasis of American foreign policy emerged stronger as recently as the 1962-1964 period when Barry
Goldwater was trying to interpret his conservative political philosophy to America. Then it is important to discover how the views of post-war Presidents evolved into a more relaxed view on "monolithic communism," and yet remained rigid in particular cases, i.e., what images of Asia have influenced American policy toward that part of the world.

The Drive for Security

As with most other nations, the United States has always searched for ways to prevent aggression and increase security. We have seldom entertained fears of being subjugated by another nation and we have resisted the need for a defensive stance in the world.1 In a search for security, especially during the isolationist thirties, we tried to ignore world events, maintaining that Old World quarrels had no bearing on American security. Many thought that leaving others alone would cause them to leave us alone. A different manifestation of this impulse is found in the nuclear age, particularly the last fifties and early sixties, when American strategists emphasized strongly the need for massive stockpiles of nuclear weapons to discourage any thought of aggression.

The "domino theory" with its implications applies to this issue. When President Eisenhower suggested that the fall of one nation in Indochina to the Communists would lead to the fall of another, and still another until all of

Asia was communist-dominated, he left the door open to axioms which became popular in the sixties saying that we would rather stop communism in Southeast Asia than to be forced to try to stop it on the West Coast of America. If we could strike at aggression in another part of the world, it might be prevented nearer at home. Senator Gale W. McGee explained that "the cheapest place and time to stop aggression is at the beginning."3

The psychology of fighting abroad to maintain security at home was complex. Not many rejected the concept, however. To Americans it made good sense that standing firm abroad was better than being defensive at the shores of the nation. If bombers and missiles narrowed the post-World War II Atlantic and Pacific moats, then Americans felt justified in trying to push the boundaries of that safe zone as far back as possible. Americans believed that security, maintained by elbowroom, was virtually a right.

Security in the Cold War

The process of maintaining security was named in 1947 in the beginning days of the Cold War by George F. Kennan, writing under the pseudonym "Mr. X." He wrote that the Soviet world view was that the "outside world was hostile and

---


that it was their duty eventually to overthrow the political forces beyond their borders."\(^4\) After discussing some of the Russian quirks, he concluded with a statement which was to influence United States policy for years:

This would of itself warrant the United States entering with reasonable confidence upon a policy of firm containment, designed to confront the Russians with unalterable counter-force at every point where they show signs of encroaching upon the interests of a peaceful and stable world. . . . \(^5\)

The policy of regarding the Soviet Union as an aggressor, bursting from its boundaries at every opportunity, was set. Also significant was Kennan's alternative to a shooting war—"containment." Others, including Walter Lippmann, disagreed with Kennan's assessment. Lippmann wrote that Kennan's plan was based on the assumption that the Soviet Union was in the process of decay--a dangerous assumption in Lippmann's mind. A better policy, he wrote, was to use American military pressure to achieve a total withdrawal of the powers from Europe.\(^6\) While disagreeing strategically, both Kennan and Lippmann agreed on the menace of Soviet aggression and on the need of keeping the Russians within prescribed boundaries. This policy and the fundamental precautionary stance against aggression was to be evident in the Kennedy, Johnson, and Nixon rationale for American action in Southeast Asia. The word "containment" is no longer applied to international

---


\(^5\)Ibid., p. 581.

relations, but the irresistible drive to protect American "interests," usually in the form of a friendly government and secure territory, has not abated.

The second principle, according to Parkes, is not so visible as the first. It is a principle for which Americans do not generally feel compelled to die: it would be difficult for the United States Government openly to initiate military action on its behalf. Still, it deserves mentioning here.

The Economic Drive

A second objective of American foreign policy has been economic, in which America has sought equal access to world markets. While this is a complexity which goes beyond images and ideologies, it is significant to know that the initial conflict between East and West over Vietnam in the twentieth century was between Japan and an American ally over control of the nation's tin and rubber resources. Senator McGee applied "the lessons of the recent past" to Asia to advocate the withholding "from potential enemies the sinews of power [industry and raw materials]."

The Evangelistic Drive

Henry Bamford Parkes explained a third principle of American foreign policy:

the Americans wished to see democratic institutions extended throughout the world. They believed that democratic governments were inherently more peaceful and more

---


law-abiding than were autocracies. They regarded the conflict between the principles of freedom and those of dictatorship as world-wide, transcending all national and continental boundaries. And since they felt their own institutions to be superior to those of any other people, they were fighting to defend democracy and to destroy autocracy or dictatorship.

Political scientists called this drive a desire for the world to evolve in "an equilibrium favorable" to the United States. It is attributed to the "nation's messianism and the conviction that the American experiment in freedom can continue to flourish only in a congenial environment." 10

In the opening stages of the Cold War, this assumption of American foreign policy was dominant. The Nazi devil was defeated and the vacuum was filled by another monster, communism. Communism was not merely an inferior system; it was an evil and monolithic system, seeking to devour every nation in its path. It should be resisted, contained, even destroyed if possible.

Virtually every political philosophy indigenous to the United States contains an element of American political evangelism. The traveled politician seldom misses the opportunity to describe his feelings on seeing the Stars and Stripes in a foreign land. Journalists' preoccupation in the late 50's and early 60's with the "ugly American" was a reverse


side of the evangelistic drive; Americans were scolded for their insensitive actions in other countries.

Perhaps the principles of American evangelism were best described by political conservatives. Let us now turn to an examination of the thinking of one conservative who typified the feelings of countless Americans in the last decade.

A Classical American Position

In 1962 Barry Goldwater was one of the most respected conservative leaders in politics. He was touted as the 1964 Republican presidential nominee long before he was actually nominated. The year 1962 saw his book *Why Not Victory* published. He identified the dominant conservative objectives as being the preservation and extension of freedom and quickly applied the principle to the international level:

That is why I ask, why not victory? Once upon a time our traditional goal in war—and can anyone doubt that we are at war?—was victory. Once upon a time we were proud of our strength, our military power. Now we seem ashamed of it. Once upon a time the rest of the world looked to us for leadership. Now they look to us for a quick handout and a fence-straddling international posture.\(^{11}\)

Goldwater's assessment was an accurate representation of the visceral attitudes of many Americans toward the rest of the world. Although Goldwater was repudiated at the polls in 1964, he was only restating policy which began in about 1947 and continued, in a modified form, into the Kennedy era.

---

He set his whole approach to international relations in the context of three assumptions:

Assumption 1. The objective of American policy must be to protect the security and integrity of Americans and thereby help establish a world in which there is the largest possible measure of freedom and justice and peace and material prosperity.

Assumption 2. Attainment of the largest possible measure of freedom, justice, peace, and prosperity is impossible without the prior defeat of world communism.

Assumption 3. It follows that victory over communism must be the dominant, proximate goal of American policy.\(^{12}\)

It should be observed that Goldwater linked American security and the spread of American ideals internationally. He asserted that none of this was possible if communism was allowed to exist; therefore victory over the Communists should be America's consuming goal. He would rather have had the struggle on an ideological level but he was not one to cringe at the thought of war.

A usually unstated assumption was held by American political figures from Truman to Kennedy; the belief that communism was an organizing principle which bound nations and continents together under a single goal. It is important to see how the American view of a unified communist bloc changed during the 1960's while a new face of communism, small-scale guerrilla expansion, came into popular acceptance.

\(^{12}\text{Ibid.}, p. 39.\)
The Question of Monolithic Communism

Goldwater saw communism as monolithic and utterly evil: "They have cadres in every country and use Moscow as their command post . . . . A Communist occupying a position of power in the Congo is just as much our enemy as the power clique ruling Soviet Russia or Communist China." And Goldwater believed that being dead was better than being "red"; "Our job, first and foremost, is to persuade the enemy that we would rather follow the world to kingdom come than consign it to Hell under communism."

Even before Goldwater wrote, however, a trend in American thought was gaining ground which was antithetical to the ideas underlying the Cold War. Goldwater complained of even having to make a case for victory, quoting from a speech by J. William Fulbright to the effect that America should modify its pugilistic stance and learn to live with ambiguity in world politics. Fulbright's speech of June 29, 1961 foreshadowed even bolder statements from higher officials.

On June 10, 1963, President John F. Kennedy chose the occasion of an address at American University to announce a shift of the official attitude and call for a popular shift as well. He challenged the American people "not to see only a distorted and desperate view of the other side, not to see conflict as inevitable, accommodation as impossible and

13 Ibid., p. 169  
14 Ibid., p. 159  
15 Ibid., p. 150
communication as nothing more than an exchange of threats."

He portrayed his own image of peaceful coexistence:

Let us not be blind to our differences--but let us also direct attention to our common interests and the means by which those differences can be resolved. And if we cannot end now our differences, at least we can help make the world safe for diversity. For, in the final analysis, our most basic common link is that we all inhabit this small planet . . . . And we are all mortal.16

Kennedy, himself, adhered to Cold War policies. This speech followed the invasion of Cuba from American soil and the Cuban missile crisis in which the Soviet Union retreated. This speech was an answer to those who wished to "win" the Cold War. But even this calm assessment of world affairs was broken a few weeks later when he stood at the wall dividing East and West Berlin and spoke to 150,000 Germans:

There are many people in the world who really don't understand--or say they don't--what is the great issue between the free world and the Communist world. Let them come to Berlin.
There are some who say that Communism is the wave of the future. Let them come to Berlin.
And there are some who say in Europe and elsewhere "we can work with the Communists." Let them come to Berlin.17

The Kennedy years were a time of modification in ideology. Lyndon Johnson engaged the nation in a direct conflict with "the new face of an old enemy" in Southeast Asia. And while he returned to the philosophy of containment and the domino theory for his justification, his line was more sophisticated than that of Eisenhower, Dulles, and Goldwater.


He spoke on April 7, 1965, "We fight because we must fight if we are to live in a world where every country can shape its own destiny. And only in such a world will our own freedom be finally secure." He spoke of "great stakes in the balance" and denied that "retreat from Viet-Nam would bring an end to conflict." Then he expressed his version of the domino theory and containment:

The battle would be renewed in one country and then another. The central lesson of our time is that the appetite of aggression is never satisfied. To withdraw from one battlefield means only to prepare for the next. We must say in southeast Asia—as we did in Europe—in the words of the Bible: "Hitherto shalt thou come, but no further."

There are those who say that all our effort there will be futile—that China's power is such that it is bound to dominate all southeast Asia. But there is no end to that argument until all of the nations of Asia are swallowed up.19

It was Richard Nixon who recognized,

The postwar period in international relations has ended. . . . Then, we were confronted by a monolithic Communist world. Today, the nature of that world has changed—the power of individual Communist nations has grown, but international Communist unity has been shattered . . . by the powerful forces of nationalism.20

He believed that America was entering:

an era of negotiation . . . in a changing world, building peace requires patient and continuing communication. Our first task in that dialogue is fundamental—to avert war. Beyond that, the United States and the

19Ibid., p. 395.
Communist countries must negotiate on the issues that divide them if we are to build a durable peace.\textsuperscript{21}

The President's trips to the People's Republic of China and to Eastern Europe and the Soviet Union are indications of the change in attitude toward those powers. The conception of communism as monolithic has been replaced by the view of a variety of communist persuasions with each subscribing nation trying to serve its own interests. Nor are these nations seen as undeserving or incapable of dialogue with the West any longer. Finally, it is interesting that even the author of "containment" as a sweeping policy came to view it as an outdated doctrine. In George Kennan's memoirs, he denied the "paternity of any efforts" to apply the doctrine of containment to the 1960's and 1970's.\textsuperscript{22} The breakdown of the communist monolith, beginning with Tito's pull away from Moscow in 1948, invalidated the containment theory. In fact, "the Chinese-Soviet conflict was in itself the greatest measure of containment that could be conceived."\textsuperscript{23}

In regard to United States response to North Vietnam as an agent of Moscow or Peking, Kennan wrote that there is now "no such thing as 'communism' in the sense that there was in 1947; there are only a number of national regimes which cloak themselves in the verbal trappings of radical Marxism and follow domestic policies influenced to one degree or another

\begin{itemize}
\item \textsuperscript{21}\textit{Ibid.}, p. 101.
\item \textsuperscript{23}\textit{Ibid.}, p. 366.
\end{itemize}
by Marxist concepts. What leaders and citizens of the United States have come to understand as the nature of Asia and of Asians has certainly been important in the development of foreign policy. For that reason, it is important to examine American images of Asia.

**Images of Asia in the American Mind**

As it will be seen from the context of the hearings, the spectre which terrified some of the pro-war Senators and witnesses was Communist China. They saw China looming protectively over North Vietnam with its growing ability to use the nuclear bomb and a definite willingness to risk its own populations for the sake of its Vietnamese brothers.

American images of Asia are important considerations for understanding the underlying motives of American involvement in Southeast Asia. J. William Fulbright spoke of the importance of images in his "Arrogance of Power" speech:

> Man's capacity for decent behavior seems to vary directly with his perception of others as individual humans with human motives and feelings, whereas his capacity for barbarous behavior seems to increase with his perception of an adversary in abstract terms.\(^{25}\)


---

24 Ibid.

No longer was it "torpid," and "passive or yielding" as in pre-1949 images, but rather "driving . . . aggressive and unmanageable." After the Communist revolution in China, America was almost completely shut off from access and its fear of China was in inverse proportion to access.

Although many Americans in the fifties and early sixties thought of China as being dominated by the Soviet Union, there were others who believed that China would be bent on expansion: "We have to build dikes somehow. Chinese power in the next hundred years will absorb all of Southeast Asia. There will be no stopping them . . . ." This was the dominant view of China among witnesses favorable to the Administration's conduct of the war.

Images which dominated the American mind, especially with the Korean war, were those of the "mongol hordes" which embraced the ideas of a "human sea," expendability, a special "sadism and brutality," a characteristic "blind obedience," and "mass lunacy." The Chinese images of the fifties returned somewhat to some of the earliest times. In Korea, Americans saw "the faceless masses, the cruel and nerveless subhumans, the incomprehensible and the inscrutable" Chinese. The Chinese were credited with the Communist victory at Dienbienphu in 1954. They became the "ominous" supporters of

27 Ibid., p. 222.
28 Ibid., p. 233.
aspiring revolutionaries in places like Korea and Vietnam. 29

In a more general sense, Americans responded to the idea of "Asia" in terms which help explain our involvement. Most of the people questioned thought of Asia as being overpopulated, "a plague of people," which resulted in poverty, "a barefoot, hungry, starving mass; masses of families eking out a bare existence in villages, in overcrowded cities, beggars, peasants, coolies, suffering all the hardships of an extremely low standard of living . . . ." 30 All of the images of Asia were against the background of "poverty, misery, disease, hunger, famine, ignorance" and people in "ferment, unrest, throwing off old ways and groping for new ones; impact of the idea of a better standard of living; the struggle between communism and democracy; a renascent Asia." 31

As the hearings got underway, these images of China and Asia along with the spectre of nuclear conflict with China in the future were still relevant to the American mind. Associating these images directly with American action in Southeast Asia cannot be done with a ratio of one-to-one, but there is a connection. Fulbright, speaking on the link between China and Vietnam, generalized:

To most Americans China is a strange, distant and dangerous nation, not a society made up of 700 million individual human beings but a kind of menacing abstraction. When Chinese soldiers are described, for example,

31 Ibid., p. 54.
as "hordes of Chinese coolies," it is clear that they are being thought of not as people but as something terrifying and abstract, or as something inanimate like the flow of lava from a volcano.

... to most of us China represents not people but an evil and frightening idea, the idea of aggressive communism.32

To Americans of the fifties and sixties, communism was an evil force. In the hands of inhuman Asian hordes, communism was terrifying. The little Vietnamese, Ho Chi-Minh, was identified as a tool of Mao-tse-Tung so that when the Chinese exploded a nuclear bomb in 1965, the blurry image of Ho, Mao, and a mushroom cloud was thrust into the American mind. Many people, including some in high places, thought that China's threat would be blunted if Ho could be defeated. Conversely, opponents of American involvement in the war with North Vietnam preached the fear of China as reason for retreat: moving into North Vietnam would surely be perceived as a threat to Chinese security and a holocaust—or direct confrontation with 700 million armed Chinese—would be unavoidable.

If images of Asia raised fears in Americans, those images also resulted in confusion about the North Vietnamese enemy. The despised "Japs" and "Krauts" of the Second World War gave way to "gooks" and "slopes" of Korea and Vietnam. Calling the enemy disrespectful names was not unique to Vietnam; the difference came in the ability of Americans

---

32 Fulbright, "The Arrogance of Power", Congressional Record, p. MDCCCVIII.
to see the enemy, dead, dying, and alive, on their evening newscast.

Beyond seeing the enemy, the nation was made acutely aware of how American forces were ravaging even the friendly territory of a foreign nation. The nation saw lighters held to flammable thatched roofs, saw villages destroyed in order to be saved. The nation saw the effects of napalm on Vietnamese civilians, heard the wails of sweethearts, wives, and children at the funerals of South Vietnamese soldiers.

The country was possessed by a deep dissonance. The old impersonal images were being confronted with reality. Unfeeling, passive Orientals who held no value for human life were not to be found. Still, the old images abounded; the sacrifices of South Vietnamese soldiers and civilians made little impression. America's greatest concern was with the comparatively light loss of members of its own armed forces; most people were largely concerned that our sacrifices count for something. The effect on American images of Asia brought about by a televised war has not been adequately evaluated, but it is entirely possible that the general willingness for military disengagement in Southeast Asia was partly caused by the evolution of an image.

**The Distribution of Powers Issue**

The Senate Foreign Relations Committee hearings were concerned with more than conduct of the war. Constitutional issues, the balance of power between the Executive and Legislative branches, were at stake. Since this is primarily a
study of those issues as found in Senate Foreign Relations Committee hearings, it is important to discover some of the complexities in the distribution of powers doctrine.

First, the Constitution will be sifted for its specific wording on the issue. Then, some approaches to interpretation of the Constitution will be reviewed from the late eighteenth century through the Korean war. It will be seen that concepts of Executive-Legislative foreign policy making have shifted and are still in flux.

The Constitution on Distribution of Powers

The Constitution divides the authority to make military commitments between the President and Congress. The President has executive power: "The executive Power shall be vested in a President of the United States of America." He is "Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States when called into the actual service of the United States." He also has the power, "by and with the advice and consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors." 33

Congress was given "all legislative power" 34 and may levy taxes to "provide for the common defense." It may

34 ibid., Art. 1, sec. 1.
"define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations." It is authorized "To declare War, grant letters of Marque and Reprisal, and make rules concerning captures on Land and Water." It may raise and support Armies, but "no Appropriation of money to that Use shall be for a longer term than Two years." It is to "provide and maintain a Navy," to "make rules for the Government and Regulation of the land and naval Forces," to "provide for calling forth the Militia," and to "provide for organizing, arming, and disciplining the Militia." Finally, Congress is responsible for laws which will carry "into Execution the foregoing Powers." 35

As it has turned out, there is a Constitutional dilemma in the essential vagueness of the document. Both the Executive and Legislative branches can follow a line of argument which gains for themselves the ultimate initiative in foreign policy. 36 Edward S. Corwin wrote that "the Constitution, considered only for its affirmative grants of powers capable of affecting the issue, is an invitation to


struggle for the privilege of directing American foreign policy."37

One of the most important weapons used in the struggle is the doctrine of the Founding Fathers' intention. Many argue that what the Constitution says is less important than what the founders meant for succeeding generations to understand. While it is a rather subjective method of approaching constitutional law, it has been used with some effect. We are not led to a consideration of that theory.

The "Original Intent" Argument

Strict constructionists have found useful to their argument the Constitutional Convention debate of August 17, 1787. The wording of Article 1, section 8, clause 11, originally gave Congress the right "to make war."38 Giving this power to the legislature was opposed on the basis of the slowness of legislative bodies, on the efficiency and information available to the Executive. Some supported giving the entire responsibility to the President. As a compromise, Madison and Gerry "moved to insert 'declare,' striking out 'make war,' leaving to the Executive the power to repel sudden attacks." One delegate preferred "declare" over "make" because he felt it would keep the full power away from either branch; "he was for clogging rather than facilitating


war; but for facilitating peace." The tenor of the debate was against Executive control of war. With this "original intent" argument, some constitutional scholars have concluded that it was intended that the President use his power as Commander-in-Chief to wage war after it was legally underway and to repel actual attack on the United States. But only Congress could legally start the nation into a war.

An impressive array of eighteenth and nineteenth century statesmen have supported this position. Thomas Jefferson said in his December 6, 1805, message to Congress, "Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war . . . ." John Marshall noted: "The whole powers of war being, by the Constitution, vested in Congress, the acts of that body alone can be resorted to as our guides in this inquiry." Samuel P. Chase observed that, "Congress is empowered to declare a general war, or Congress may wage a limited war . . . ." Daniel Webster suggested, "In the first place, I have to say that the war-making power in this

---

39Ibid.

Government rests entirely with Congress . . . . " Finally, Abraham Lincoln spoke of "The provision of the Constitution giving the war-making power to Congress." A less institutionalized form of thought has come to outweigh the original intent argument. A change in the Presidency can be traced from its beginning to the present. It is an extra-constitutional change, brought about, not by debate, but by practice. What each President thought about his role and powers has proved to be almost as important as his authority which is clearly delegated by the Constitution. The evolving structure of the Presidency, particularly as it is related to Congress and foreign policy, should now be considered.

**Operational Views of the Presidency**

From the beginning of the Presidential institution, differing opinions were set forth on the meaning of the Constitution. James McGregor Burns organized these views into three models. The first, the Madisonian, emphasized checks and balances for the protection of "minority rights"—each sector of the public should have recourse to a particular branch. At the same time, the Madisonian model would prevent majorities from gaining tyrannical control by providing Presidential veto and judicial review. The great unspoken assumption of the Madisonian model was that government at all levels be responsible to the people but not reactionary.

---

Madison assumed that each branch of government would carefully stay within its own constitutional boundaries.42

The Jeffersonian model was based on minimizing checks and balances through party control of as much of each branch as possible. The President was to be responsive to the party and its leadership. Government would be based on majority rule, observing the rights of a minority to criticize and to persuade the electorate to elect freely members of the minority position.43

The Hamilton model was more flexible and opportunistic, characterized by charismatic, popular Presidential leadership. The President's power base is above, but related to, the party--his personal organization is most important to his leadership. The President must rely on personal qualities to influence leadership in key Congressional positions. Since he is a moving target, opposition becomes disorganized in its attempt to locate him; for example, he may appoint members of the opposing party to cabinet positions.44 It is the Hamiltonian President who would tend toward engulfing the conduct of foreign affairs. This is the kind of Presidency typical of the succession after Roosevelt. Truman described it:  "The principal power that the President has is to bring people in and try to persuade them to do what they ought to
do without persuasion. That's what I spend my time doing. That's what the powers of the President amount to."45

One constitutional historian describes three stages in the development of the relationship between the Executive and Congress on foreign policy. The first stage lasted from independence until the end of the nineteenth century and was a time of genuine collaboration between the President and Congress, and of Executive deference to Legislative will regarding the initiation of foreign conflicts."46 Proponents of Presidential ascendence in foreign policy point to over one-hundred conflicts in which the President dispatched troops without authorization from Congress. In fact, as Koenig points out, there have been only five declared wars in our history:

the War of 1812, the Mexican War, the Spanish American War, and the two world wars. A declaration of war was neither made by Congress nor requested by the President in the naval war with France (1798-1800), the first Barbary War (1801-1805), the second Barbary War (1815), the Mexican-American clashes (1914-1917), and the Korean and Vietnam conflicts.47

Reveley counters, saying that most of the early conflicts were "minor," entered for defense of citizens or property, and most did not consummate in armed clashes at all. There


was a greater reluctance on the part of Presidents of this period to act without Congressional approval.\textsuperscript{48}

Reveley asserts that the listing of undeclared wars by most scholars is simply incorrect. The Naval War with France and the Barbary Wars had the approval of Congress. Before Congress approved the First Barbary War, Jefferson would allow enemy vessels only to be disarmed and released. When the Naval War with France began, President Adams gave the power of Commander-in-Chief to George Washington.\textsuperscript{49}

James K. Polk initiated the 1846 war with Mexico and then got Congressional approval with a favorable version of the \textit{causus belli}. Protests erupted all around the country and after a year of fighting, in January, 1848, the House voted 85 to 81 to censure Polk and the war which was "unnecessarily and unconstitutionally begun by the President of the United States."\textsuperscript{50}

The second stage of Executive-Congressional relations spans the years from 1900 into World War II. No longer was the President subservient to Congress, no longer did the two branches collaborate. Congress became an obstructionist force and the President developed the ability to work around

\textsuperscript{48}\textit{Ibid.}, p. 199.


\textsuperscript{50}\textit{Arthur Schlesinger, Jr., Paths to the Present.} (Boston: Houghton Mifflin, 1964), p. 121.
Congress in his foreign interventions. By 1939, President Roosevelt was able to send large amounts of aid to Great Britain without action from Congress.\textsuperscript{51}

In the third stage, Congress had developed a sense of remorse over its obstructionist and isolationist stance of the 1920's and 30's. To atone for their mistakes, the President was allowed a more independent role in conducting foreign affairs. The Cold War and the speed of nuclear war accelerated the process of centralizing responsibility of decision-making on the President.\textsuperscript{52} As Koenig wrote, "The nuclear age has securely established the President as the nation's principal field Commander."\textsuperscript{53} Expressing a similar view, Reveley observed:

Evolution in the balance of world power has left the United States one of the two great superstates in a bipolar system which abhors the shift of territory from one bloc to another. And the revolution in American military capacity has provided the President with a potent, flexible means of intervention abroad on a moment's notice—a capacity which cold war Presidents have used freely in attempting to prevent a loss of territory to communism. Such initiation of force, even when clearly authorized by the Executive alone, was broadly supported until Vietnam \ldots. \ldots Furthermore, the existence of nuclear weapons permits no assurance that all conflicts will remain within survivable limits. In sum, there has been reason for each cold war President to feel compelled to use force abroad, few restraints on his ability to act quickly and unilaterally, and strong popular feeling that his actions—whatever their nature—must be supported \ldots.

\textsuperscript{51}U. S. Congress, Senate, Committee on Foreign Relations, W. Taylor Reveley III, "Presidential War-Making \ldots," Documents Relating to the Power of Congress \ldots, pp. 201-03.

\textsuperscript{52}Ibid, p. 204.

\textsuperscript{53}Louis W. Koenig, Congress and the President; Official Makers of Public Policy (Chicago: Scott, Foresman, 1965), p. 70.
Under these circumstances, the scope of presidential power to commit troops abroad becomes a matter of great import—far greater than ever before.\textsuperscript{54}

Relations between the President and Congress have been severely strained during this third stage. The Cold War has been punctuated with conflict over the President's right to act in the dispatch of troops and the making of agreements with foreign powers. A significant example of this is the largely partisan quarrel which took place over President Truman's commitment of troops to Korea.

Executive-Legislative Conflict Over Korea

When the Korean conflict began, the Republicans objected that President Truman had acted unconstitutionally in committing American forces without a declaration of war. Senator Robert A. Taft spoke in the Senate, accusing the President of undue secrecy and of failure to consult Congress. The result was "to deprive the Senate and Congress of the substance of the powers conferred on them by the Constitution." Taft said that "criticism and debate are essential if we are to maintain the constitutional liberties of this country and its democratic heritage."\textsuperscript{55}


\textsuperscript{55}U.S. Congress, Senate, Senator Taft speaking on "Constructive Criticism of Foreign Policy is Essential to the Safety of the Nation." 62nd Cong., 1st sess., January 5, 1951, Congressional Record. ICVII, 55-56.
Arthur Schlesinger Jr., who, in 1972, counted himself among those who expressed "repentance on the part of some of us who in the past were uncritical supporters of a strong Presidency," was quick to reply in a letter to the *New York Times*: "Senator Taft's statements are demonstrably irresponsible. The public is entitled to know what provisions of the law or of the Constitution have been violated by President Truman in sending troops overseas." He cited various historical precedents and said that "American Presidents have repeatedly committed American armed forces abroad without prior Congressional consultation or approval." Schlesinger accused "Senator Taft and his friends" of "rewriting American history according to their own specifications."

Another historian, Henry Steele Commager, quoted John Quincy Adams: "However startled we may be at the idea that the Executive Chief Magistrate has the power of involving the nation in war, even without consulting Congress, an experience of fifty years has proved that in numberless cases he has and must have exercised the power." Commager commended Adams for "good history and good prophecy." He narrated the events of nineteenth and twentieth-century administrations' foreign policy decisions:

All of these Presidential acts involved the danger of war. Many of them involved the use of American soldiers,

---


sailors or marines outside the territorial limits of the United States. Were they constitutional? Obviously the Presidents themselves thought so, and we cannot ignore the weight of that testimony. Congressmen protested from time to time, but on no occasion did Congress repudiate Presidential power, or even refuse to sustain it . . . ." 58

Commager drew on Supreme Court testimony to show that the President was within his rights and only carrying out his obligations in using armed troops in other countries.59

Others, like Edward S. Corwin, responded to the Korean question by questioning the "constitutional development . . . which ascribes to the President a truly royal prerogative in the field of foreign relations . . . ." Corwin wrote that it was "Paradoxical in the extreme to reduce the legislative organ of government to the level of a mere rubber stamp of policies the professed purpose of which is the preservation of free institutions."60

In 1952, Senator Bricker of Ohio introduced a joint resolution which would have limited the President's treaty-making authority. Over the several months the bill was in Committee, it underwent substantial change but its thrust remained; Congress should have greater control over foreign affairs. During early 1954 the resolution was returned to the Senate for debate. Significantly, Senator J. William Fulbright spoke against it saying, "It is . . . no small thing


60 Ibid., p. 16.
to drastically alter the Constitution by an amendment that in effect throttles the President of the United States in his conduct of foreign relations."61

The Korean War provided a test for the President's power. Congress' challenge could not be ignored, but there was no legislated change in Legislative-Executive relations. The Republicans and the Bricker amendment only provided another subtle nudge in the evolutionary process.

As the events of the 1950's and 1960's marched past, observers noted a steady gain in the President's foreign policy powers. As recently as before World War II, political analysts attributed more influence to Congress than they did during the Cold War. A final look at the change is appropriate here.

Contrast with pre-World War II Thought

One pre-war writer, Victor Laski, observed that, "The history of Congress, and especially the Senate, might well from one angle be summarized as a continuous effort to make the president its creature . . . ."62 In contrasting their powers, "They [the Congress] do not act under the instructions of the president; they may co-operate with him if they feel so

---

61 U.S. Congress, Senate, Senator Fulbright speaking against the "Amendment to the Constitution Relating to Treaties and Executive Agreements." S.J. Res. 1, 83rd Cong., 2nd sess., February 2, 1954, Congressional Record, c, 1105.

inclined. But they are at every point, save in periods of grave crisis, equal partners with him, and in the event of a difference they, rather than he, are likely to have their way." 63

In contrast with Laski's view, a more contemporary scholar, James A. Robinson, believed that in this part of the century, in the field of foreign affairs, "where the executive has always had a constitutional advantage that the information revolution has only enhanced [the President's power] . . . Congress' role is steadily becoming less and less one of initiating policy alternatives and more and more that of modifying, negating, or legitimizing proposals that originate in the executive." 64

Another contemporary writer, Koenig, differs from Laski. He described a conception of the Presidency where "the President in relative privacy can make decisions that choose between war and peace, that commit treasure and lives, and that may determine the nation's foremost priorities for years to come . . . . If Congress or the people are related to the decision, they can act only marginally. They have no real choice but to ratify what the President has done or will do. It is this presidency that has grown by leaps and bounds in the nuclear age." 65

63Ibid., pp. 113-114.


We have surveyed some of the difficulties in interpreting constitutional doctrine on shared powers in foreign affairs. It is obvious that the issue cannot be resolved by repeated appeals to the Constitution's wording. There is an inevitable influence of decades of practice; the President's powers and the Congress' powers relative to foreign affairs have overlapped, separated, and very nearly exchanged places, both in theory and practice. The general debate must now be set aside for an examination of United States involvement in Vietnam and the still-unresolved question over which branch of government should have control of the war.

A Survey of American Involvement in Vietnam

The difficult task of dissecting the Vietnam war has been done by a number of writers, notably Bernard B. Fall. Others, such as Chester L. Cooper and the compilers of the Pentagon Papers, have concentrated on how the United States became involved in Southeast Asia and how that involvement escalated to such great proportions. With some attention to details of the war itself, let us now examine some of the key stages in American involvement.

On September 2, 1945, Ho Chi Minh declared that Vietnam was a republic, free of French—or Japanese—control. He wrote "at least eight" requests to President Truman and other American officials for aid in winning independence from
France. There was no answer to these letters.66 There was a certain amount of negotiation which had to be concluded with the colonial power, France. By March of 1946 an agreement had been reached, but nine months later, internal strife had taken Indochina into a civil war.67

Because of Ho's known Communist ties, the United States took the step, understandable in the atmosphere of the late 40's, of supporting the old Vietnamese ruling line in the person of Bao Dai, and the decision was made to aid France.68 On July 1, 1949, Bao Dai established the State of Vietnam. During the first sixty days of 1950, Communist China extended diplomatic recognition to the Democratic Republic of Vietnam while the United States recognized Bao Dai's State of Vietnam, making Vietnam a new theatre in the Cold War.69 In June, President Truman initiated military aid to France which had been engaged in war with nationalist, including Communist, forces. In August, the United States began its first direct involvement in Vietnam with the establishment of a Military Assistance Advisory Group in Saigon. The Mutual Defense Assistance agreement among the United


68 Ibid., p. 5.

States, France, Vietnam, Laos, and Cambodia was concluded in December of 1950. By mid-1952, the United States was paying for one-third of the cost of France's military operation.

The United States' ideological commitment to the Saigon government deepened in May, 1953, when Secretary of State John Foster Dulles stated in a Committee hearing that keeping Indochina loyal to the West was essential to keeping all of Southeast Asia from being absorbed by the Communist movement.

In August, President Eisenhower added a personal touch and gave Dulles' warning popularity as the "domino theory."

By November of 1953, Ho Chi Minh offered to begin negotiations, and in February, 1954, the Big Four agreed on a conference at Geneva to discuss Korea and Indochina. The fighting continued and in March the Battle of Dien Bien Phu began. Before the discussions at Geneva could even begin, France was defeated at Dien Bien Phu. Two days later, on May 8, discussions began and on July 21 an agreement was reached without United States signature. Vietnam was divided at the 17th parallel; the Viet Minh took control of the northern half.

---

71 Ibid., p. 474.
In August, President Eisenhower approved a National Security Council program on South Vietnam. Military objectives would be to build up "indigenous forces able to provide internal security. Economic aid would be given directly to Vietnam, not through the French. Premier Diem would be the approved leader and would be encouraged to "broaden his Government and establish a more democratic institution." But even during the Geneva Conference, Eisenhower had secretly sent a small team of Americans to work with Diem against the Vietminh.75 The Author of the Pentagon Papers wrote that "South Vietnam was essentially the creation of the United States."76

In early 1955, the United States Military Assistance Advisory Group assumed the responsibility of training the South Vietnamese military. In October, 1956, Vice President Nixon visited South Vietnam to pledge American support for Diem and declared that Communism had been stopped in Southeast Asia. President Diem reciprocated, visiting America in May, 1957, with a pledge to stand firm against Communism. Eisenhower promised continued support.77

The Viet Minh heightened resistance in the South in late 1957 with a "terror offensive" against rural village leaders. Twenty-five killings were taking place each month during 1958.78 The first American deaths in Vietnam came in

75Sheehan, et al., The Pentagon Papers . . . . , p. 15.
76Ibid., p. 25.
77Cooper, The Lost Crusade, pp. 475-76.
78Fall, Street Without Joy, p. 345.
July, 1959, when guerrillas attacked Bien Hoa military base. During 1960, general conflict was stepped up as the United States increased its military personnel, Communist activity in the South increased, and Diem put down an attempted coup. At the end of 1960, a largely indigenous group called the National Front for Liberation of South Vietnam was founded and added political and military pressure against Diem.79

President Kennedy secretly sent 500 military personnel to South Vietnam in the spring of 1961.80 Then he publically sent Vice President Johnson in May with instructions to determine whether United States troops were needed. Diem seemed uninterested in U.S. aid and said that U.S. troops would be needed only in an invasion.81 In September, Kennedy told the United Nations in a speech that South Vietnam was being attacked by outside forces and in October Diem reported to his National Assembly that the political struggle had become a war. At the end of October, President Kennedy sent General Maxwell Taylor and Adviser Walter Rostow to Vietnam, again with the aim of determining the need for more United States military involvement. On their return, Kennedy decided against combat troops and sent more advisers and military equipment. By the end of 1961, U.S. military men numbered 3200.82

79Cooper, The Lost Crusade, pp. 476-77.
80Sheehan, et al., The Pentagon Papers . . . , p. 79.
81Ibid., p. 94.
82Cooper, The Lost Crusade, pp. 178-80.
Early in 1962, Diem's government began receiving criticism from the American press. As the United States manpower commitment reached 5400 by April, a feeling grew that Diem was not giving full cooperation. Attention was diverted somewhat by the spread of conflict in Laos and a perceived danger to Thailand. The Laos Conference brought an agreement of neutrality in July. By the end of 1962 there were 11,300 U.S. military men in South Vietnam.83

The first half of 1963 was a time of consultation and decision. Administration reports were weighted toward continuance of U.S. military involvement and optimistic about progress.84 Senator Mansfield, however, said that in spite of $2 billion in American aid the situation seemed less favorable than in 1955.85

The number of U.S. advisers reached 12,000 and Diem called for a reduction in April. Although Kennedy responded with his willingness to do what South Vietnam wanted, the country erupted in riots and demonstrations which ended discussion about reducing American forces. With angry Buddhists and students striking at Diem's repressive measures and dramatic self-immolation by Buddhist monks, President

83Ibid., pp. 479-80.
84Ibid., pp. 194-97.
Kennedy said the Diem government was "out of touch with people." In September, he threatened to cut off aid unless Diem changed his domestic approach.\textsuperscript{86}

Robert McNamara and Maxwell Taylor reported that the war could possibly be won within two years. But American concern for the internal stability of South Vietnam had convinced some high United States officials that the war could not be won with Diem in control. There was some cautious encouragement of South Vietnamese generals who had been planning a coup and a promise of "noninterference." So on November first they successfully carried it out. Diem and his Vice President, Nhu, were killed by the rebels. The United States recognized the new regime within a week.\textsuperscript{87}

On November 22, President Kennedy was assassinated and President Johnson pledged continued support for South Vietnam. By this time, about 17,000 U.S. troops were in South Vietnam; in February, 1964, Johnson promised more United States effort in the war and warned North Vietnam that it was playing a "deeply dangerous game." In May, amid American promises to defeat Communist aggression, President Johnson asked for $125 million to add to the aid already being given the Saigon government. In June, win-the-war men were placed in strategic positions--Westmoreland took command of American forces and General Taylor became Ambassador.\textsuperscript{88}

\textsuperscript{86}Sheehan, et al., \textit{The Pentagon Papers} . . . . , pp. 163-66.

\textsuperscript{87}\textit{Ibid.}, pp. 66-90.

\textsuperscript{88}Cooper, \textit{The Lost Crusade}, p. 484.
Although the facts of the case have been debated inconclusively, something happened in the Tonkin Gulf which was interpreted as an attack by North Vietnamese PT boats against the Maddox on August 2 and against the Maddox and the Turner Joy on August 4. It was not the first attack on an American ship in Vietnam; a U.S. transport ship, the Card, was sunk in Saigon harbor by Viet Cong. But after the Tonkin attacks were reported, President Johnson ordered bombing raids on North Vietnamese marine installations. On August 5, Johnson put a resolution before members of the House and Senate asking for Congressional approval of the President's efforts to prevent future aggression. It was nearly unanimously approved by Congress on August 7, and the Southeast Asia Resolution was signed by the President on August 11.

The remaining months of 1964 were unsure as far as American participation in the war. A series of attempted coups, government shakeups, transitional governments and riots caused Ambassador Taylor to come into conflict with South Vietnamese leaders. General Khouh implied that America was trying to impose its foreign policy on that of South Vietnam. Secretary of State Rusk threatened to cut off aid on December 23—but with U.S. troop strength pushing 24,000

90 Cooper, The Lost Crusade, p. 484.
91 See The Pentagon Papers, pp. 234-70 for a detailed account of this period.
it did not seem likely to anyone. 92

On February 7, 1965, the Viet Cong attacked Pleiku airbase. Eight Americans were killed and over a hundred wounded. Although there is now considerable doubt that the Viet Cong was actually controlled by Hanoi, President Johnson sent aircraft north to destroy military installations in North Vietnam. For the next few weeks, American bombers attacked North Vietnamese bases and Viet Cong bases in South Vietnam. On February 28, it was announced that the United States would start regular bombing raids on North Vietnam in an attempt to get the North Vietnamese to talk peace. 93 Two days later, operation Rolling Thunder was begun.

Troop strength continued to grow to 46,500 when, on May 13, the bombing was halted so that peace feelers could be sent out. Six days later, bombing was renewed. 94 In the period between May 4 and June 7, President Johnson asked for and received $789 million in supplemental funds and economic aid. His May request for $700 million was approved 407 to 7 in the House and 83 to 3 in the Senate. 95 President Johnson said of it, "each Member of Congress who supports this request is voting to continue our effort to try to halt Communist

94Cooper, *The Lost Crusade*, p. 489.
95Ibid., p. 277.
aggression."\textsuperscript{96} A statement of the State Department used the appropriation as proof of the legality of the war: "The appropriation act constitutes a clear congressional endorsement and approval of the actions taken by the President."\textsuperscript{97}

On June 9 the government officially confirmed that United States troops were in combat alongside South Vietnamese forces and on the 28th day of that month U.S. armed forces joined in a major "search and destroy" assignment.\textsuperscript{98} President Johnson approved a troop deployment of 44 battalions—193,887 troops. The Pentagon history says that act was "perceived as a threshold--entrance into Asian-land war."\textsuperscript{99} At the end of 1965, a total of 184,384 United States troops were in South Vietnam.\textsuperscript{100} The year 1965 was one of growing resistance to United States war policies from within the country. The first of the "teach-ins" was held in May. In November, two pacifists burned themselves to death in protest and there was a march on Washington by the organization known as SANE. On February 4, 1966, the Senate Foreign Relations Committee began open hearings on American war

\textsuperscript{96}U.S. President, Public Papers of the Presidents of the United States, Lyndon B. Johnson, 1965, I, pp. 394-99.


\textsuperscript{98}Cooper, The Lost Crusade, p. 490.

\textsuperscript{99}Sheehan, et al., The Pentagon Papers . . . . , p. 385.

\textsuperscript{100}Ibid.
policy.101 The Pentagon compilation has a memorandum saying that bombing "has not successfully interdicted infiltration," and another warned that "We are in an escalating military stalemate."102 But the joint communiqué from the Honolulu conference with Johnson, Ky, and Thieu declared "determination in defense against aggression" and the "common commitment of both Governments."103

Anti-government riots began in March and the South Vietnamese army had to engage Buddhists in Hue to place the city back under government control by mid-June.104 But the war went on. With the new troop levels at 285,000, the American commitment to the air war grew so that there was bombing near Hanoi and Haiphong harbor, even while a report from the Institute for Defense Analyses said that the "U.S. bombing of North Vietnam had had no measurable direct effect on Hanoi's ability to mount and support military operations in the South at the current level."105 President Johnson was told by General Westmoreland that the war could not possibly be won quickly when they met in August. Johnson announced in October that the United States would not suspend bombing until North

101 Cooper, The Lost Crusade, pp. 489-93.


Vietnam reduced its push in the South. At the Manila Conference that same month, the Allies offered to withdraw troops as the Communists would withdraw theirs—the offer was immediately rejected. In December, the Hanoi area was hit several times by U.S. bombing raids. At the end of December, 389,000 troops were reported in South Vietnam. The number of Americans killed in battle had reached 6,644.106

In January, 1967, President Johnson predicted continued U.S. participation in spite of "more cost, more loss and more agony." The North Vietnamese contrived to demand cessation of the bombing as a precondition for talks. A short bombing pause within a ten-mile radius of Hanoi ended in March after attempts to work through Soviet Premier Kosygin and Prime Minister Harold Wilson. In February, Secretary of Defense McNamara said the war could not be won by bombing but in March the list of prohibited targets was revised so that heavy industry in North Vietnam was bombed.107

General Westmoreland in April told Congress that victory was possible with more determination and force. It was later reported that Westmoreland had asked the President for 200,000 more troops than he then had under his command. He believed that with more troops he could "destroy or neutralize enemy man forces 'more quickly' and deny the enemy long


107 Ibid., pp. 502-504.
established 'safe havens' in South Vietnam."108 In May, the Allied forces moved into the DMZ for the first time and a power plant near Hanoi's center was bombed. The following August, the President announced a new troop limit of 525,000 and added new targets in North Vietnam to the approved list.109 August was also the month that Nicholas Katzenbach, Under Secretary of State, told the Senate Foreign Relations Committee that a declaration of war was unnecessary because of the Southeast Asia (Gulf of Tonkin) Resolution.110 Heavy bombing around Hanoi continued through the end of August.

On September 29, President Johnson said at San Antonio, Texas, that the bombing would stop "when this will lead promptly to productive discussions. We would assume that, while discussions proceed, North Vietnam would not take advantage of the bombing cessation or limitation."111 North Vietnam quickly rejected the "San Antonio formula."112 In November, shipyards were bombed in Haiphong.113 Secretary of Defense McNamara left the Johnson Administration in that same month.114

109Cooper, The Lost Crusade, pp. 377-78.
110U.S. Congress, Senate, Committee on Foreign Relations. U.S. Commitments to Foreign Powers, 90th Cong., 1st sess., 1967, p. 82.
113Cooper, The Lost Crusade, p. 541.
114Ibid., p. 385.
On January 1, 1968, North Vietnam's foreign minister broadcast that Hanoi would talk following an unconditional bombing halt. The message was repeated on the 16th by the North Vietnamese ambassador in Paris. On the 30th, the Tet offensive began with furious North Vietnamese attacks on South Vietnamese cities, lasting almost a month.115

On March 12, Senator McCarthy took 42 percent of the votes in the New Hampshire primary.116 On the 18th, Johnson spoke of winning the war and said that he would not allow the Tet offensive to change his policies: "... your President has come here to ask you people, and all the other people of this Nation, to join us in a vital national effort to win the war, to win the peace, and to complete the job that must be done here at home."117 On the 30th, he announced a partial bombing halt, called on Hanoi to allow talks to begin, and said that he would not be a candidate for president.118 In May, it was reported that talks would begin in Paris and on the 13th the first formal session was held.119 On June 19th, for the first time, President Thieu authorized total mobilization and said

---

116Ibid., p. 591.
118Ibid., pp. 464-76.
119Cooper, *The Lost Crusade*, p. 518.
that South Vietnam would take more of the war burden. In July, Johnson and Thieu met in Honolulu to reaffirm their goals.  

August was convention month. Nixon and Humphrey were nominated by their respective parties, neither with a clearly defined policy on Vietnam. In late October, the United States unilaterally halted all bombing and shelling of North Vietnam. On November 6, Nixon was elected President. For the first time, the Paris negotiators went beyond preliminaries to state their terms on January 25, 1969. In February, the North Vietnamese began a new offensive in the south with 541,500 U.S. troops stationed there. 

In June President Nixon announced that 25,000 Americans would be withdrawn and the South Vietnamese would gradually take more of the war load. On July 25, Nixon declared that future U.S. assistance to other countries would be in the form of money and supplies rather than combat troops.

More troop withdrawals were announced in September. Ho Chi Minh died that month. In November, there was a huge march on Washington for the moratorium—other cities had similar

---

120Ibid.
122Cooper, The Lost Crusade, pp. 520-21.
124Ibid., pp. 552-53.
125Ibid., p. 718.
demonstrations. In mid-December another announcement of troop withdrawals was made. A North Vietnamese anti-aircraft installation was bombed in January, 1970, but troop withdrawals went on. In April the President announced that 150,000 troops would be withdrawn in 1970. Then, a few days later, U.S. troops were sent into Cambodia in search of enemy sanctuaries. On May 2, there was a major bombing raid and would be made on North Vietnam. On May 11, the Senate Foreign Relations Committee voted to approve the Cooper-Church amendment which refused further funding for Americans fighting in Cambodia.

The Southeast Asia Resolution was repealed by the Senate on June 24, and on the 30th the Senate passed the Cooper-Church amendment. The same day, President Nixon pronounced the Cambodian operation a success.

In mid-1972, it appears that this history will go on indefinitely. It is enough for our purposes to have traced the war through the initial stages of American involvement to the high point of troop commitment and through the initial efforts of the legislative branch to take control of bringing the war to a close.

128Cooper, The Lost Crusade, pp. 522-23.
130Cooper, The Lost Crusade, p. 523.
The Senate Foreign Relations Committee in Perspective

Before going further into the Senate Foreign Relations Committee debate on Vietnam, it should be helpful to view the Committee in relation to its history and to its function in the government of the United States.

First, there is no disagreement over the importance of Congressional committees. At the turn of the century, a student of American governmental processes, Woodrow Wilson, said, "Congressional government is Committee government." More recent studies of Congressional workings substantiate the fact that committee recommendations are usually passed. This burden of work and influence which all committees bear is perhaps laid most heavily on the Senate Foreign Relations Committee. As Elanor E. Dennison concludes, "the Foreign Relations Committee occupies a rather unique position, and as a result unwise judgements made there may be more serious and certainly are more difficult to correct than decisions made by committees dealing with domestic issues, where the effects are quickly seen and clearly understood."

The Senate Foreign Relations Committee has gained this power and responsibility as the United States has become a great world power with leadership interests and responsibilities around the world. In the first years of Congress, foreign


affairs were usually dealt with on the Senate floor or else a temporary committee was selected to discuss a specific problem. As the work load increased, similar problems might be referred to the same committee. In December, 1816, the Senate Foreign Relations Committee was appointed as one of the first standing committees and it began with only five members.\textsuperscript{136} The Committee was not redefined until the Legislative Reorganization Act of 1946. This act limited membership to thirteen, but the number was changed to fifteen in the 80th Congress. The Reorganization Act assigned a permanent staff to the Committee and provided for the publication of a legislative history at the end of each Congress.\textsuperscript{137} The Reorganization Act listed the powers delegated to the Foreign Relations Committee:

1. Relations of the United States with foreign nations generally.
2. Treaties.
3. Establishment of boundary line between the United States and foreign nations.
5. Neutrality.
6. International conferences and congresses.
8. Intervention abroad and declarations of war.
9. Measures relating to the diplomatic service.
10. Acquisition of land and buildings for embassies and legations in foreign countries.
11. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

\textsuperscript{136}Ibid., pp. 1-2.

\textsuperscript{137}Farnsworth, The Senate Committee on Foreign Relations, p. 13.

13. Foreign loans. 138

With this responsible work load and the prestige that accompanies it, the Senate Foreign Relations Committee has always been powerful. Sumner said in the late nineteenth century that the "headship of the first committee of the Senate [Senate Foreign Relations] is equal in position to anything in our government under the President. . . ." 139

Now that the Senate Foreign Relations Committee has become the middleman between Congress and the Administration with respect to foreign affairs, it is "a kind of transformer between the relatively detailed knowledge of the State Department . . . and the . . . general knowledge of the Congress." 140 A position on such Committee continues to be a most coveted Committee appointment. 141 Since the Committee and its decisions are so often newsworthy, a Senator does well to receive the wide coverage of sitting on the Senate Foreign Relations Committee. 142 The Committee membership of the 80th Congress offers an example of the prestige of this Committee. For instance, in that year, seven of the


139Dennison, The Senate Foreign Relations Committee, p. 12.

140Farnsworth, The Senate Committee on Foreign Relations, p. 11.

141Ibid., p. 7.

thirteen Committee members were chairmen or ranking minority members of other committees. 143

Membership on the Senate Foreign Relations Committee is supposedly based on geographic location, special experience, and personal preference as well as seniority. But most observers say that the first three criteria are most often bypassed while party seniority is used as the guide to committee assignments. Farnsworth points out that of the 32 Senators who served on the Senate Foreign Relations Committee from 1947 to 1956, Senator Fulbright was the only one with any experience in foreign affairs. 144 Dennison says that, "The Committee is a body of men constituted with little reference to its fitness to handle the rather specialized problems with which it must deal." 145 John Foster Dulles, who had much international experience, was appointed to the Senate to fulfill the term of Wagner, but was not appointed to the Committee. 146 The Republicans had one vacancy on the Committee in the 82nd Congress. Senator Morse, a liberal, wanted the seat and was supported by Vandenberg, the ranking minority member of the Committee. But Vandenberg was ill and could not be on the scene while Wherry and Taft wanted to see Morse's appointment

143 Farnsworth, The Senate Committee on Foreign Relations, p. 25.
144 Ibid., p. 17.
145 Dennison, The Senate Foreign Relations Committee, p. 139.
146 Farnsworth, The Senate Committee on Foreign Relations, p. 139.
stopped. The conservatives proposed Senator Capehart of Indiana who outranked Morse. Then the liberals put forward Senator Aiken who outranked Capehart. The conservatives countered with Senator Brewster of Maine, and the liberals came back with Senator Tobey of New Hampshire, who got the Republican seat.147

The Senate Foreign Relations Committee is set up so that a voting majority is given to the party in control of the Senate and the Committee chairmanship is given to the ranking member of the majority party.148 Seniority also dictates the seating arrangement and the order of questioning during hearings.149

Committees in general are a recognition that the Legislative branch needs its own sources in order to be a balance for Executive power. Thus the development of an organized staff for each committee has been very important. Freeman writes, "The chief staff members of committees today are usually sufficiently well-trained and sufficiently cloaked with experience and with the privileges to be quite effective in shaping the course of Committee decisions."150 But even

148Dennison, The Senate Foreign Relations Committee, p. 141.
149Farnsworth, The Senate Committee on Foreign Relations, p. 21.
with competent staffs it is still a struggle to get statistics which are comparable to the Administration resources.\textsuperscript{151}

Committees are bound by their own weakness to follow Administration leadership. The subcommittees of the Senate Foreign Relations Committee are set up according to the area desks of the State Department to facilitate communication and information gathering.\textsuperscript{152}

The Committee's responsibilities to oversee the Executive are carried out through investigation, clearance, and hearings.\textsuperscript{153} The hearings are usually called because a Committee member has some partisan interest in the subject.\textsuperscript{154} On the other hand, many subjects are brought before the Committee because there is no chance of criticism from voters. Critical hearings on the military may be avoided by the Committee because of the financial support the armed services provides their districts.\textsuperscript{155} But committeemen who are interested in undercutting the Administration are eager to bring up failures in policy before a hearing audience.\textsuperscript{156} Almost all public hearings are published, but only about one-third of the Executive hearings are published. The hearings which are published are corrected by the Committee members supposedly to avoid mistakes of grammar or punctuation. But Gross states

\textsuperscript{151}Morrow, \textit{Congressional Committees}, pp. 170-71.

\textsuperscript{152}Farnsworth, \textit{The Senate Committee on Foreign Relations}, p. 36.

\textsuperscript{153}Morrow, \textit{Congressional Committees}, pp. 162-63.

\textsuperscript{154}\textit{Ibid.}, p. 168. \textsuperscript{155}\textit{Ibid.}, p. 177. \textsuperscript{156}\textit{Ibid.}, p. 209.
that, "In practice, this opportunity is habitually used to change the meaning of what was actually said and even to add new material."157

Despite these disadvantages, hearings do provide an opportunity for disseminating information and serving as a safety valve.158 Most often the question spoken to by the hearing has already been decided by the Committee members and often the answer is favorable.159 The Senate Foreign Relations Committee usually hears top-level Administration witnesses first. These men are often specialists in their field and their "occupational prestige" is so high that Senators are too intimidated or underinformed to contradict them, which brings the accusation that committees are usually supportive rather than the makers of policy.160 The second group of witnesses are the private or non-governmental witnesses who, Farnsworth points out, are treated with "polite tolerance."161

There can be no doubt about the importance of the Foreign Relations Committee. What happens in the Committee is worthy of attention. The following chapters will be concentrated on how the Vietnam war issue, particularly the

158Morrow, Congressional Committees, p. 92.
159Ibid., p. 94. 160Ibid., p. 171.
161Farnsworth, The Senate Committee on Foreign Relations, p. 32.
issue of control over the war, moved through this distinguished Committee. Because of television and press coverage, as well as influence within the Senate, the rhetorical events in the Committee contributed to an alteration of the balance of influence between the Executive and Legislative branches on foreign policy.
CHAPTER III

THE RHETORICAL SITUATION

The series of hearings which constitutes the Senate Foreign Relations Committee debate on Vietnam was unusual in American history. The hearings served as a vigorous refutation of Presidential policy and as an attempted curb on the attained powers of the President. They were not partisan in nature—they continued in an unbroken vein through the administrations of both parties.

However, the hearings mark a break in legislative history because for the first time since the 1920's a chairman of the Committee called into question a President of his own party. It seems reasonable that a special set of circumstances gave rise to a situation like this. One thinker in the field of rhetoric has developed a model which is useful in searching out the factors in an event which give rise to rhetorical discourse. It will be useful to discuss briefly his theory of the rhetorical situation before going on to analyze some of the important events of the period.

The Rhetorical Situation

Lloyd F. Bitzer has suggested that "a particular discourse comes into existence because of some specific
condition or situation which invites utterance."¹ To Bitzer, rhetoric is situational because it "comes into existence as a response to a situation" in the same way that an answer is responsive to a question. Speech has "rhetorical significance" when the situation corresponds to "answer" or "solution" in response to a "question or problem."²

The rhetorical situation is "a natural context of persons, events, objects, relations, and an exigence which strongly invites utterance; this invited utterance participates naturally in the situation, is in many instances necessary to the completion of situational activity, and by means of its participation with the situation obtains its meaning and its rhetorical character."³ Formally defined, it is "a complex of persons, events, objects, and relations presenting an actual or potential exigence which can be completely or partially removed if discourse, introduced into the situation, can so constrain human decision or action as to bring about the significant modification of the exigence."⁴

The first constituent mentioned in the definition is the exigence: "An imperfection marked by urgency," a "defeat, an obstacle, something waiting to be done, a thing which is other than it should be." An exigence must be something capable of change through discourse. Bitzer says that "in any rhetorical situation there will be at least one controlling

¹Lloyd F. Bitzer, "The Rhetorical Situation," Philoso-
²Ibid., pp. 5-6. ³Ibid., p. 5. ⁴Ibid., p. 6.
exigence which functions as the organizing principle: it specifies the audience to be addressed and the change to be effected.  

The second constituent is the audience: people who can serve as "mediators of change" when their decisions and actions are influenced by rhetorical discourse. Only those who are "capable of being influenced by discourse and of being mediators of change" constitute a rhetorical audience.  

The final constituent is a group of constraints, consisting of "persons, events, objects, and relations which are part of the situation because they have the power to constrain decision and action needed to modify the exigence." Such things as "beliefs, attitudes, documents, facts, traditions, images, interests, motives" are "sources of constraints." Bitzer calls Aristotle's artistic and inartistic proofs the two divisions of constraints.  

The rhetorical situation is more than a set of historical circumstances; not all historical events invite discourse. Not all the events of the period under study contributed to the rhetorical situation, but there are several key incidents which led to the initiation of the January-February, 1966 hearings. The Gulf of Tonkin incidents, as they were interpreted in the press and to Congress, are first in the chain of events. Following those incidents, the President requested a supportive resolution; Congressional and public reaction to his request should be analyzed as a part of the rhetorical situation. 

5Ibid., pp. 6-7.  6Ibid., pp. 7-8.  7Ibid., p. 8.
situation. Finally, in the first round of the situation, the Senate Foreign Relations Committee held a hearing on the Gulf of Tonkin fight. Both in the hearing and later on the Senate floor, the distribution of powers theme had a place in the discussion.

Lyndon Johnson and Barry Goldwater concentrated heavily on nuclear weapons control during their 1964 presidential campaign. During the campaign, Johnson spoke of his intentions for South Vietnam. Many of these statements will be analyzed, along with the power theme, as a part of the rhetorical situation.

Another rhetorically significant event was the President's request for supplemental war funds. It is important to the power theme because he based his request on Congressional approval of his foreign policy aims.

Gradual growth of opposition to Johnson's foreign policy will be examined as a part of the rhetorical situation. Several members of the Foreign Relations Committee were in direct opposition, as were many other citizens. President Johnson and Chairman Fulbright lost confidence in each other; their break led directly to the initiation of hearings. This evolutionary process leading to January, 1966, will be considered important to an understanding of later rhetorical events.

It is difficult to separate exigencies, audiences, and constraints out of this period of political ferment between August, 1964 and January, 1966. But it will be clear that a heightening dissonance led to initiation of the hearings;
there was an "imperfection marked by urgency" between the President and Congress. A number of audiences will be observed; it is obvious that the Senate body and the Foreign Relations Committee served as each other's audience. The public provided an audience for the Senate and the Senate for the public, the press for the Senate and the Senate for the press, the President for the Senate and the Senate for the President, ad infinitum. Virtually all of these audiences had the capacity to mediate change. There is a sense in which this study capitalizes on the constraints since a major concern which led to--and through--the hearings was the question of power in determining foreign policy. The first event important to the rhetorical situation must now be considered.

The Gulf of Tonkin Incidents and United States Response

The Gulf of Tonkin incidents have been debated since August, 1964. It is likely that the events did not happen just as they were reported. But as a part of the rhetorical situation, the attacks should be described as they were reported in the press--as they were given to the American public and as the members of Congress heard about them.

Two clashes were reported, one on August second and the other two days later. The first involved one destroyer, the Maddox. The second involved two destroyers, the Maddox and the Turner Joy, and was the spark for United States retaliation. Even as a retaliatory attack on North Vietnam was
being executed, President Johnson appeared on television to announce his action and to prepare Congress for his Southeast Asia resolution.

The August 2 Incident

The Defense Department statement duplicated the message which came from the Pacific Command on August 2:

While on routine patrol in international waters at 4:03 A.M., E.D.T., the United States destroyer Maddox underwent an unprovoked attack by three PT-type boats at latitude 19-40 north, longitude 106-34 east, in Tonkin Gulf. The attacking boats launched three torpedoes and used 37-mm. gunfire.

The Maddox answered with 5-inch gunfire. Shortly thereafter, four F-8 aircraft from the U.S.S. Ticonderoga joined in the defense of Maddox, using Zuni rockets and 20-mm. strafing attacks.

The PT boats were driven off with one seen to be badly damaged and not moving and the other two damaged and retreating slowly. No casualties or damage was sustained by the Maddox or the aircraft.8

By the evening of August 2, it was confirmed that the PT boats were from North Vietnam. Secretary of State Dean Rusk commented, "The other side got a sting out of this. If they do it again, they'll get another sting." Officials told reporters that it was not considered a "major crisis" and that the U.S. fleet would continue its patrols in the area.9 They had "no ready explanation" for the attack by small PT boats on a vessel from the Seventh Fleet.10

Republican Senator Dirksen said that the attack demanded a new look at America's Southeast Asia policy.

9Ibid., p. 1. 10Ibid., p. 6.
Mike Mansfield took it in stride: "... in view of our involvement such occasions will arise from time to time. We hope they do not, but we should not be surprised if they do."11

On the third of August, Hanoi charged that United States aircraft had attacked a North Vietnamese village and that United States ships had shelled two islands off the North Vietnamese coast. The charge was called "without foundation" by the State Department.12 The charge, in fact, had substance. President Johnson chose to respond to the first attack with a warning to North Vietnam and orders to the Navy to increase its vigilance and its number of destroyers in the area. He reported that he had instructed the Navy:

1. To continue the patrols in the Gulf of Tonkin off the coast of North Vietnam.
2. To double the force by adding an additional destroyer to the one already on patrol.
3. To provide a combat air patrol over the destroyers, and
4. To issue orders to the commanders of the combat aircraft and the two destroyers, (a) to attack any force which attacks them in international waters, and (b) to attack with the objective not only of driving off the force but of destroying it.13

11 Ibid., p. 1.
From a vacation in Newport Beach, California, Republican candidate Goldwater said:

I think the American people are entitled to ask some questions of their own in regard to this event: Does the presence of American destroyers in the area signify the possible landing of larger American ground forces? Does it mean medium bombers are going to be used to interdict supply lines? Does it mean a change is taking place in foreign policy at White House and State Department levels?14

Goldwater hoped to embarrass the Johnson Administration with these questions; the presence of a United States destroyer in the Gulf of Tonkin was not public knowledge until it was fired upon. Senator Goldwater had been cast as the war candidate and now he saw a chance to show that the Johnson Administration was inconsistent in talking peace while preparing for war. That is why he chose to concentrate on the right of Americans to know Administration plans rather than to advocate a specific response. He must have been disappointed when his sense of duty forced him to stop the probe after the second incident was reported.

The August 4 Incident

A second attack was reported on August 4. An "undetermined number of North Vietnamese PT boats" fired on two United States destroyers with torpedoes at night, sixty-five miles from land.15 The attacked destroyers, the Maddox and the C. Turner Joy, returned fire and scored "numerous hits,"

sinking "at least two" of the PT boats and damaging two others. Unlike the Hanoi interpretation of the first attack, this time the Communists said the attack report was a "sheer fabrication."16

The United States took what Secretary of Defense McNamara called, "appropriate action in view of the unprovoked attack in international waters on United States naval vessels by torpedo boats . . . ."17 United States aircraft flew sixty-four "attack sorties" against the "bases used by the North Vietnamese patrol craft" and an oil storage depot was destroyed. Some officials believed that twenty-five North Vietnamese boats had been damaged or destroyed. Two American planes were lost to anti-aircraft fire. The attack lasted between four and five hours.18

Communist China issued a statement that the United States had "stepped over the brink of war."19 Senator Goldwater said it was "the only thing he [Johnson] can do under the circumstances."20 The President spoke to the nation the night of U.S. retaliation, explaining that action was underway and affirming the "determination of all Americans to carry out

16* Ibid., p. 3. While the two destroyers believed they were under attack, there is evidence that this second incident was actually a faulty interpretation of weather conditions on a stormy night by an excited sonarman. See Windchey, The Gulf of Tonkin, and Goulden Truth is the First Casualty. Also the Foreign Relations Committee hearings, The Gulf of Tonkin.


our full commitment . . . . Yet our response for the present will be limited and fitting."21

American Response

When President Johnson spoke to the nation about his actions against North Vietnam, he added, "I shall immediately request the Congress to pass a resolution making it clear that our Government is united in its determination to take all necessary measures in support of freedom and in defense of peace in Southeast Asia." There was little need for him to ask for America's support; it was given immediately. Johnson's opponent, Senator Goldwater, issued a statement: "I am sure that every American will subscribe to the actions outlined in the President's statement. I believe it is the only thing we can do under the circumstances. We cannot allow the American flag to be shot at anywhere on earth if we are to retain our respect and prestige." Richard M. Nixon, then a private citizen, said that the President's action deserved bipartisan support.22 The New York Times editorialized: "United States determination to assure the independence of South Vietnam, if ever doubted before, can not be doubted now by the Communists to the North or their allies. It is a grave moment, calling for open-eyed, cool-headed appraisal of all the alarming possibilities--by the North Vietnamese as well as others."23 The Boston Globe asserted, "The United States has acted only

21Ibid., p. 1.  
22Ibid.  
23Ibid., p. 46-E.
as its self-respect required, and with every desire . . . to avoid escalation of the conflict." The Globe also praised Johnson's "decision and prudence." The Washington Post, noting that the President had "earned the gratitude of the free world," said that he was "not wanting in toughness or in nuance." It also mentioned that "the crisis has . . . pointed up the office of the Presidency as the single center of control and responsibility for American power." There was little, if any, questioning of the President's actions. The resolution quickly moved through official channels. Senator Fulbright pushed the resolution through a short hearing. Then he and Senator Mansfield sponsored it in the Senate. Approval by the Senate was a foregone conclusion.

The Southeast Asia Resolution in Committee and in the Senate

The resolution's basic thrust had been prepared long before the incident in the Gulf of Tonkin. But the news of attacks against American destroyers gave the resolution form and necessity. North Vietnam was accused of repeated attacks which were a part of "a deliberate and systematic campaign of aggression against neighboring nations. United States aims

25Ibid., p. 12.
were to protect freedom, peace, and the integrity of Southeast Asia. The heart of the resolution was, "That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." It went on that, "the United States is . . . prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of freedom." The resolution would be in effect until the "President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress."28

The Hearing

In great haste, the Administration placed the resolution in the Foreign Relations Committee. On August 6 the hearing was held in an atmosphere not conducive to thoughtful consideration of the resolution's implications. Secretary of State Dean Rusk appeared for the Administration and opened his statement with a power theme; the right of the President to act as Johnson did in the Gulf of Tonkin: "I believe it to be the

generally accepted constitutional view that the President has the constitutional authority to take at least limited armed action in defense of American national interests." He mentioned that "in at least eighty-five instances," Presidents had done so and he referred specifically to the Formosa Resolution, the Middle East Resolution and the Cuban Resolution. He went on, "There can be no doubt ... that these previous resolutions form a solid legal precedent for the action now proposed." Passage of the resolution was important "to make the purposes of the United States clear and to protect our national interests." He promised "regular consultations" with committees and congressional leaders of both parties. Then Rusk reaffirmed what he considered to be the purpose of the resolution: "We feel that it is very important that this country on as unified basis as possible make it quite clear to the entire world that we are prepared to take the steps that may be required to insure the security of those to whom we are committed, and to bring such aggression to a halt."29

The initial questions were perfunctory. It was obvious that most of the Committee members were concerned about going through the appropriate motions as quickly as possible. Some of the Senators spoke strongly of their support. Senator Sparkman touched on the issue of the strength of such resolutions as the one at hand:

29Ibid., p. 3.
I would like to make just this comment, particularly regarding Secretary Rusk's statement. I am glad to see the resolution has on the face of it a recognition of the constitutional right of the President to take these actions and that this really amounts to confirmation or a ratification by the Congress of the action taken and a pledge to lend all support that may be necessary.

Is that a correct interpretation?

Secretary Rusk answered:

As you know sir, the Presidents since President Jefferson, have taken the view that the President of the United States has the authority to use the armed forces . . . . To protect American interests. This resolution approves and supports the action taken by the President in the protection of national interests as spelled out in the resolution.30

Sparkman seemed to feel little of the tension which later developed among many of the senators. He regarded the President's use of the armed forces in Vietnam as constitutional. Rusk was easily able to affirm Sparkman's conception.

Senator Saltonstall also spoke in support of the resolution procedure:

I think this is, I know that this is, the fourth time since I have been a Member of Congress that we have had these resolutions. I believe the action of the President was essential to defend the prestige of our Armed Forces, and certainly the submission of this resolution in accordance with our Constitution to have Congress support the President in these defensive actions and I intend to support this resolution wholeheartedly and with my best efforts.31

Saltonstall evidently had come to regard the procedure of presenting the Senate with a resolution for approval as normal procedure. In his mind, precedent was important and it was

30 Ibid., pp. 10-11.
31 Ibid., p. 13.
only natural for Congress to support the President, even after the fact.

Senator Sam Ervin was concerned about the source of authority for the President's action, but he sought it in international agreements rather than constitutional legitimacy. After discovering that treaties prior to the SEATO pact were not the justification, he asked Secretary Rusk, "Is it your position that we are not rendering such aid as we are rendering to Vietnam under an obligation assumed by us under the SEATO treaty." Rusk answered:

Well, there are several aspects of this authority under aid programs and under his own responsibility as President and Commander in Chief to give assistance of the sort we have been giving there.

Of course, all this assistance that is provided, the tangible evidence, is done on the basis of congressional appropriations which are fully discussed here. We believe that the obligations of the SEATO treaty are both joint and several, and that the SEATO treaty is a substantiating basis for our presence there and our effort there, although, however, we are not acting specifically under the SEATO treaty. 32

Rusk then systematized the basis for U.S. involvement: The powers of the President as Commander in Chief, congressional appropriations for aid, and a treaty—passed by Congress.

Ervin then turned to the question of honor, an issue which troubled Committee members in subsequent hearings. He asked, "Is there any reasonable or honorable way we can extricate ourselves without losing our face and probably our pants?" Rusk answered, "Senator, the problem of

32Ibid., p. 22.
extrication is utterly simple and terribly difficult." He explained that the U.S. had not sought this involvement for its own sake:

We didn't go there just because we wanted to be there or we wanted a U.S. presence in that area. We went there because the independence of these countries was under direct pressures from the north and direct intervention from the north.

Now, we have been trying to find a basis for establishing the security of these countries in such a way that we are not needed there.33

Only two senators offered suggestions which disagreed with Administration policy. One, Wayne Morse, was opposed to involvement and incensed that Congress had not been more thoroughly informed.

Morse's disagreement was, characteristically, full of abrasion. First, he charged that the Administration had not produced "a scintilla of evidence in any briefing yet that North Vietnam engaged in any military aggression against South Vietnam either with its ground troops or its navy." He implied that the United States was the aggressor--"We were in there all the time when, in my judgment, we shouldn't have been in there except to keep the peace. We ought to have been at the conference table."34

Secretary of Defense McNamara was also representing the Administration at the hearing but had not taken extensive part. Morse turned his wrath on the Secretary of Defense:

I want to make perfectly clear I have never questioned the subversive activities of North Vietnam. But I also

33_ ibid._, pp. 23-24. 34_ ibid._, pp. 13-14.
want to make perfectly clear, Mr. Secretary, that you have not put in the record of this committee any proof at any time of any overt military operations of North Vietnam into South Vietnam.

We have asked you time and again; you people come before this committee, "Well, we think there is a cadre now and then but there has been no organized military invasion of North Vietnam into South Vietnam," that has been the testimony time and time again. 35

Morse combined profound disagreement with the Administration's foreign policy and anger over the current state of the balance of power. While he recognized the Administration's assertion that North Vietnam was dangerous, he rejected its position because it had not told the Foreign Relations Committee just how dangerous.

Strom Thurmond was the other dissenting member of the Committee. His position was untenable to Administration witnesses, and he also differed with Morse. Thurmond did not believe the Administration was going far enough; he wanted a decisive winning policy. He praised Administration action for preserving "the honor of this country and the security of this Nation." 36 He then turned to his chief reason for taking part in the dialogue; he was an advocate of victory, not containment. He said:

I am concerned about the situation . . . whether we are taking steps that will eventually bring freedom to that area and whether we are going to have to maintain forces there indefinitely as we are now doing in Korea. I would just like to ask the Secretary of Defense, do we have a policy to win the Vietnam war, so that we can get out of there, or are we going to stay in there indefinitely?

Secretary McNamara avoided the question: "Our policy is a simple one as Secretary Rusk has stated. It is our objective to move our forces as rapidly out of Vietnam as that Government can maintain its independence and as rapidly as the North Vietnamese stop their attempts to subvert it."  

Thurmond then turned his ire on Rusk:

We are there, our people are there, working with the South Vietnamese defending and they are responding to aggression.
The North Vietnamese are coming down south of the 17th parallel to wage aggression and we merely defend. When are we going to get on the initiative there and win this war and get out?

Rusk answered indirectly, mentioning the vast number of Asians in the Communist sphere and he argued against Thurmond's stance:

I don't see how we are going to get a long-range solution to this problem on the basis of our trying to go in there, into the vast mass of people, and try to do a job as Americans in lieu of Asians. I think that it is important for us to try to assist those Asians who are determined to be free and independent to put themselves in a position to be secure.

He went on to say that there "ought to be a stable situation with free and independent nations capable of maintaining their own security, rather than to try to bring everything to a great cataclysm because, on that basis there isn't much to settle any more in terms of organized societies maintaining their own independence."

But Thurmond would not be distracted. He interrupted later testimony with a rather long and passionate statement:

\textsuperscript{37} Ibid., pp. 24-25. \quad \textsuperscript{38} Ibid., pp. 25-26.
I think we ought to make up our minds that we are going to have victory in the war in Vietnam or get out. I think we ought to have victory in the war in South Vietnam, and I think it can be done without bringing on any general war.

I think if we are firm with the Communists, that we can win the war over there. The way we are handling the matter now, I don't foresee victory. I foresee another Korea and I just want to say that for the record.39

Although Thurmond's position was different from Morse's, he was as determined to exercise the senatorial prerogative of advise and consent. Senator Frank Church represented a third and more pervasive conviction. Church based his support of the resolution on an assumption that the Gulf of Tonkin incidents were accurately reported and that the Administration would continue its policy of letting Asians fight their own wars. He worded his reservations about community troops to Asia, saying, "I think it would be the height of folly to believe that American war on the Asia continent, particularly for a Western nation against Asians could have any durable result that would be tenable or successful."40

The resolution moved smoothly through the hearing, with the exception of Morse's tirade and Thurmond's hawkish insistence. Most of the members seemed passive, willing to accept the President's word and his decision. Appearances are often deceptive, however, and it will be seen that there were some submerged doubts which later became visible.

39 Ibid., p. 27.
40 Ibid.
The Resolution Goes to the Senate

After the resolution was voted out of the Senate Foreign Relations Committee on August 6 with only Morse's dissenting vote, it went to the Senate floor where an extended discussion took place. There was little enthusiasm for the pending resolution; only a few patriotic homilies were delivered. Most of the Senators soberly questioned the resolution's sponsors, Senator Mansfield and Senator Fulbright, about the implication of the resolution for future action.

An examination of those proceedings is important for an understanding of the roots of later opposition. One who reads the proceedings with hindsight cannot avoid the feeling that the men who spoke that day did so out of hope that they were not being taken further than they intended.

Wayne Morse left no doubt that he believed there was more to the resolution than the Administration would admit. On August 5, 1964, even before the resolution was introduced into the Committee, Morse spoke against it. When the message and the resolution arrived in the Senate, Morse arose to oppose it. The Senate's most undaunted protester had a multi-page address, typically boring, in which he raised the question of United States complicity in the Gulf of Tonkin incident. Morse had been previously tipped off by a State Department informant that the Administration was grossly oversimplifying the Gulf of Tonkin events. He said he would speak against American involvement until a declaration of war was made by Congress:
"I shall not support any substitute which takes the form of a predated declaration of war. In my judgment, that is what the pending joint resolution is." Morse did not take part in the Senate debate which followed the Committee hearing.

When Fulbright introduced the resolution, he explained it as one which would express "the approval and support of the Congress for the determination of the President to take such action as may be necessary, now and in the future, to restrain or repel Communist aggression in Southeast Asia." Fulbright's operational conception of the balance of powers seemed to be that, at this point, the congressional role should be supportive and passive while the President's role was active; Congress only had "approval and support" while the President had "determination" to take "action" in order to "restrain or repel."

Senator Brewster wanted to know "whether there is anything in the resolution which would authorize or recommend or approve the landing of large American armies in Vietnam or in China." Fulbright's reply was similar to other statements in this exchange which indicated a recognition of the possibility but an antipathy to the idea and a faith that it would not happen:

There is nothing in the resolution . . . that contemplates it. I agree with the Senator that that is the last thing we would want to do. However, the language of the resolution would not prevent it. I would authorize

---

41 U.S. Congress, Senate, Senator Morse speaking against S.J. Res. 189, "Southeast Asia Resolution." 88th Cong., 2nd sess., August 5, 1964, Congressional Record, CX, 1839.

42 Ibid., p. 18399.
whenever the Commander in Chief feels is necessary . . . .
Speaking for my own Committee, everyone I have heard has
said that the last thing we want to do is become involved
in a land war in Asia . . . . 43

Again Fulbright took a passive role. He would authorize any
request of the President. Involvement in an Asian land war
was another question, one which Fulbright apparently did not
feel compelled to pursue.

Senator Gaylord Nelson, who later was in clear oppo-
sition to the Johnson policies, arose to say:

I would be most concerned if the Congress should say
that we intend by the joint resolution to authorize a
complete change in the mission which we have had in South
Vietnam for the past 10 years, and which we have repeated-
ly stated was not a commitment to engage in a direct land
confrontation with our Army as a substitute for the South
Vietnam Army or as a substantially reenforced U.S. Army to
be joined with the South Vietnam Army in a war against
North Vietnam . . . . 44

Fulbright answered that he thought the resolution was consis-
tent with past policy but admitted that it would not provide
a "deterrent, a prohibition, a limitation, or an expansion of
the President's power to use the Armed Forces in a different
way." He said: "In a broad sense, the joint resolution states
that we approve of the action taken with regard to the attack
on our own ships, and that we also approve of our country's
effort to maintain the independence of South Vietnam."45

The exchange between Senator Fulbright and Senator
John Sherman Cooper has since been used as a bludgeon against
Fulbright. Cooper asked, "if the President decided that it

43 Ibid., p. 18403.  
44 Ibid., p. 18407.  
45 Ibid.
was necessary to use such force as could lead to war, we will give that authority by this resolution?" Fulbright answered, "That is the way I would interpret it. If a situation later developed in which we thought the approval should be withdrawn, it could be withdrawn by concurrent resolution."46 But under later questioning, Fulbright explained that he believed the President would not use his power "arbitrarily or irresponsibly" and that the President would consult with Congress before major changes in policy were undertaken.47

The resolution was overwhelmingly passed and President Johnson said it was "a demonstration to all the world of the unity of all Americans." He said that, "The votes prove our determination to defend our forces, to prevent aggression and work firmly and steadily for peace and security in the area."48 Several Senators reacted, saying that the President's power as Commander-in-Chief made the resolution superfluous. Some, like Senator Aiken, member of the Foreign Relations Committee, were "apprehensive" but, "As a citizen I feel I must support our President whether his decision is right or wrong." He added: "I hope the present action will prove to be correct. I support the resolution with misgivings."49

A New York Times editorial said that "the heaviest of responsibilities" had been given the President by the resolution and noted that it was "virtually a blank check" for

46Ibid., p. 18409.  
47Ibid., p. 18410.  
49Ibid., August 8, 1964, p. 1.
Presidential action. Still, it did not really give the
President more power than he already possessed—here the Times
cited precedent as authority. The editorial called on the
Administration to "demonstrate that it is as resolute in seeking
a peaceful settlement as it is in prosecuting the war."50

There was some minor public indignation: Police broke
up a crowd of about sixty people on the eighth who were demon-
strating against the Vietnam action. Seventeen people, all
members of the left-wing "May 2nd Movement," were arrested.51

Typically, America's first reaction was to support
heartily the President's action. In this instance, as in
virtually every other crisis, the President gained public
support and approval simply by asking for it. As every
President knows, however, support in a crisis is one thing;
support over the long pull is another. Johnson was faced
with the reasonably sure prospect of explaining his inter-
national posture convincingly to the American electorate and
of maintaining a persuasive line to Congress.

Fulbright's Inconsistencies

When Senator Fulbright began to oppose publicly
Administration foreign policy, he did so with a weakened ethos.
Politicians are particularly vulnerable to charges of vacilla-
tion; inconsistency is one of a public official's greatest
obstacles in winning confidence of voters.

50Ibid., p. 18.
51Ibid., August 9, 1964, p. 1.
Fulbright was doubly weakened. Not only did he vote for the President's resolution; he was its chief defender in the Senate. It appears that he understood all the implications; he knew it gave Congressional approval of any action the President might take, including war. We must consider Fulbright's action in context of the situation, of his beliefs about Executive-Legislative relations, and of his feelings about the integrity of the presidency.

First, it must be remembered that a great majority of the American people and of the Senate were convinced that a perfidious attack on U.S. ships had taken place. There was the usual national need for unity, heightened by the President's television address. A logical response was to show the enemy that the United States could be trusted to answer any further provocation with a firm response; that was a Cold War tenet. Senator Fulbright was neither exempt from this feeling nor was he unaware of the feelings of his constituency. He had only recently published a collection of his speeches heralding the need for a shift in American attitudes toward Communist countries, but this was not a theoretical situation—the United States was under attack.

Second, Senator Fulbright had consistently believed in the right of the President to direct foreign affairs. He had never been so profoundly in disagreement as he was with

---

Johnson's conduct of foreign policy. In the period during and after the Korean conflict, Fulbright supported President Eisenhower. When Senator Bricker of Ohio introduced a resolution to restrict the President's treaty-making authority, Fulbright spoke in opposition on February 2, 1954: "It is... no small thing," he said, "to drastically alter the Constitution by an amendment that in effect throttles the President of the United States in his conduct of foreign relations."\(^5^3\) He continued in a very interesting vein considering his later position:

Our enemy is not the President of the United States, whether the incumbent, his successor to come, or his predecessors. Indeed, so far as President Eisenhower is concerned it is an unbelievable spectacle to see Members of the Senate—particularly members of his own party—trying to hamstring him in the exercise of perhaps the most solemn and far-reaching obligations of his office—namely, the conduct of our foreign relations....

Mr. President, the Constitution charges the President with the duty of conducting our foreign relations by and with the advice of the Senate. It makes him the leading actor; not a spectator and a mere witness.... It was never intended by the Founding Fathers that the President of the United States should be a ventriloquist dummy sitting on the lap of the Congress.\(^5^4\)

Ten years later, in May, 1964, he wrote in his introduction to \textit{Old Myths and New Realities}, "A vital distinction must be made between offering broad policy directions, and interfering in the conduct of policy by the executive branch."


\(^{54}\)\textit{Ibid.}, p. 1106.
He wrote of the ill effect of "a recurring tendency on the part of Congress to overstep its proper role." He rejected the charge that Congress was a "rubber stamp" and explained his conception that "Congress, and especially the Senate, does have a role in foreign policy. This role is to participate in shaping broad policies which, if they are to be viable, must reflect a national consensus." He conceded that people in the Administration were liable to mistakes and bad judgment but "these mistakes are more likely to be quickly and easily correctable if they are errors of executive judgment than if they are the result of directives embedded and sanctified in legislation."55

It should be observed that at that crucial date, Fulbright's thinking had matured since 1954; he believed the Senate should and did have a role in shaping goals in foreign policy. Further, it must be added that under Presidents Eisenhower and Kennedy the Congress did not experience heavy-handed tactics like Johnson's. Nor, during Fulbright's tenure as Foreign Relations Committee Chairman, had the Senate been forced to deal with such a situation. To be sure, there was the U-2 incident, the Bay of Pigs affair, and the Cuban missile crisis, but none of these lent themselves to Congressional deliberation nor did they offer the prospect of an extended land war.

55Fulbright, Old Myths and New Realities, pp. vi-viii.
Finally, in Senator Fulbright's relationship with President Johnson he had no reason for distrust. He simply trusted the President to do the right thing by the Senate. Although he must have matured in this view as well, it is instructive to note a 1954 statement against the Bricker Amendment:

I do not share the fears of an ignorant or willful President or Senate, and this faith on my part is not merely an innocent trust in individuals, present and future. It is a faith in the form of government which we have known for 165 years, in the traditions and history of the institutions of the Presidency, the Senate, and the Supreme Court, and in the Ability of our people, present and future, to regulate those institutions through the process of government, as they have in the past.56

It may very well have been Fulbright whose anonymous quote was later recorded. Joseph C. Goulden reported that one of the Senators who was "mildly sympathetic" to Morse told him "Hell, Wayne . . . . All Lyndon wants is a piece of paper telling him he did right out there, and we support him, and he's the kind of president who follows the rules and won't get the country into war without coming back to Congress."57 Another journalist reported substantially the same quote and attributed it to Fulbright:

Why, this resolution doesn't mean a damn thing. Lyndon wants it. He's got a tough campaign coming up. Goldwater's being rough on him. Lyndon just wants


57Goulden, Truth is the First Casualty, p. 49.
this to show he can be decisive and firm with the communists too.\textsuperscript{58}

Fulbright understood the resolution; he supported what he thought was Johnson's intent. But his misunderstanding of Johnson is a highly significant fact in the rhetorical situation.

Now, let us turn to another major event of the period—the 1964 contest for the presidency. In the light of Johnson's Gulf of Tonkin action and the nation's response to his action, it is important to discover how the President handled the Vietnam issue.

The 1964 Presidential Campaign—\textit{the Main Issues}

The larger issue of the 1964 campaign was nuclear war. The public was already aware that one man had the basic control of America's nuclear weapons. During the course of the campaign, they became even more highly sensitized to the issue by the statements from both candidates.

Barry Goldwater, the Republican candidate, alarmed many people with his bellicose statements. In a pre-convention discussion with reporters, Goldwater said he had supported "carrying the war to North Vietnam—ten years ago we should have bombed North Vietnam, destroyed the only access they had to South Vietnam, with no risk to our lives." Only the

day before he had suggested atomic defoliation of North Vietnam. 59

Lyndon Johnson was not inclined to let statements like these go unchallenged. His nomination acceptance speech, August 27, 1964, made clear the strategy he would follow. He said, "There is no place in today's world for weakness. But there is also no place in today's world for recklessness. We cannot act recklessly with the nuclear weapons that could destroy us all . . . ." 60 This made a contrasting backdrop for Goldwater's "extremism in defense of liberty . . . ." The Democratic party's television campaign capitalized on the public's fear of a madman or adventurer at the controls of war with provocative television announcements as well as the traditional channels of party communication.

Johnson pursued the theme throughout the campaign. On October 3, he said that in a "nuclear world" the preservation of peace and freedom would require "great and infinite patience--patience with the stubborn realities of the pursuit of peace requires great caution to avoid even the appearance of a foreign policy of bluster." 61 He discussed the proper use of power on October 7: "Peace, a five-letter word--p-e-a-c-e--peace is our first priority. America is the most powerful


61 Ibid., p. 1205.
nation in the world, but we must use our responsibility carefully and with restraint—not injudiciously, never recklessly."62 He said that "America's policy for peace rests on two foundations: strength and reason." Then he promised that as long as he was President "we shall never use this awesome strength to start a war."63

On the same day he mentioned that he was being "urged to threaten others with force if they don't do as we say" but that if "we should follow this course—if we should discard the tested policies of the last 20 years—the peace of the world will be in grave danger." He promised, "I will not discard them. I will continue them. I will match firmness to strength. And I will continue, with all the skill at my command, the patient search for lasting peace."64

As the campaign drew to a close the Democratic emphasis of the possible holocaust which could follow Goldwater's election increased. Johnson became more direct:

The President that you will select and elect a week from tomorrow has to assume full responsibility for the stewardship of your survival if a time should come for a nuclear decision.

Your President will have in his hand, inescapably, the power of life and death for hundreds of millions of people on this planet. . . .

You know the policies of one man who seeks your trust. That man offers a policy of brinksmanship with nuclear power. He urges that we consider using atomic weapons in Viet-Nam, even in Eastern Europe if there should be an uprising . . . .65

---

62 Ibid., p. 1230. 63 Ibid., p. 1233.
64 Ibid., p. 1242. 65 Ibid., p. 1455.
The voters could have no doubt that President Johnson believed the major issue to be avoidance of nuclear war. They realized that he had possessed nuclear authority for several months and had never frightened them with irresponsible advances. They were not so sure about Goldwater's trigger finger.

Johnson not only spoke about nuclear warfare, he gave some attention to the "brush fire" situation in Vietnam.

The Issue of Vietnam in the 1964 Campaign

Although the candidates did not discuss Vietnam extensively during the campaign, some of the statements Johnson made came back to haunt him. For example, in 1970, former Senator Ernest Gruening spoke before the General Court of Massachusetts, saying that Johnson sent troops to Vietnam "in violation of his repeated pledges made during his presidential election campaign of 1964 that he would not send our boys to fight a ground war in the continent of Asia; that he would not send American boys to do the fighting that Asian boys should be doing." Then he accused Johnson of deception: "And while he was making these solemn promises on the basis of which he was swept into office, the Pentagon was maturing plans--and of course with his knowledge--to do the very things he had promised the American people he would not do."66

This charge against Johnson has been made repeatedly

by opponents of his war policy. But a reading of his campaign speeches does not substantiate the charge that he promised, without qualification, to keep American troops at home. Note, for instance, how Johnson stressed the defensive nature of his Gulf of Tonkin action: "... that was an order that I didn't want to give. It was an act that I realized was a very serious act .... I really wanted peace, to let them know that we meant what we said and said what we meant ...." Moreover, after stressing that civilians were not targeted, he further explained his stance: "We said to them 'You must leave your neighbors alone and you mustn't ever shoot at United States destroyers without expecting a reply.'"67 He proceeded to explain his broad policy:

I have had advice to load planes with bombs and to drop them on certain areas that I think would enlarge the war and escalate the war, and result in our committing a good many American boys to fighting a war that I think ought to be fought by the boys of Asia to help protect their own land.

The fourth alternative is to do what we are doing--to furnish advice, give counsel, express good judgment, give them trained counselors, and help them with equipment to help themselves. We are doing that.68

Johnson's most often quoted statement, "We don't want our American boys to do the fighting for Asian boys," has consistently been taken out of context. His full statement of September 25 is illustrative:


68Ibid., p. 1022.
There are those who say you ought to go north and drop bombs, to try and wipe out the supply lines, and they think that would escalate the war. We don't want our American boys to do the fighting for Asian boys. We don't want to get involved in a nation with 700 million people and get tied down in a land war with Asia.

There are some that say we ought to go south and get out and come home, but we don't like to break our treaties and we don't like to walk off and leave people who are searching for freedom, and suffering to obtain it, and walk out on them. We remember when we wanted our freedom from Great Britain, and we remember the people that helped us with it, and we'll never forget them. So we don't want to run out on them.

So what are we doing? We're staying there and supplying them with some of the things that we have . . . . But we are not about to start another war and we're not about to run away from where we are.69

He put his actions in the Gulf of Tonkin and his stance against "Communist aggression" alongside President Truman's stand in Greece and Turkey, Eisenhower's stand in Formosa, and Kennedy's reaction to Russian missiles in Cuba. In a September 28 speech, he said that in the Gulf of Tonkin, "the Johnson administration acted, and will continue to act to halt Communist aggression." Then he added: "The consistent actions contain two great lessons. We must stand firm when the vital interests of freedom are under attack. And we must use our overwhelming power with calm restraint." His second point was that "we have worked to strengthen the independence of others . . . . We have done this by working with others to fight indirect aggression--from Viet Nam to Venezuela."70

He continued to deny any intention of widening the war or

69Ibid., pp. 1126-27.
70Ibid., pp. 1161-62.
becoming more deeply involved in it. But at the same time, he left the way open for the possibility. He was also beginning to be cautious lest the war be attributed to his Administration. The following statements from one of his speeches are typical:

Well, I didn't get you into Viet Nam. You have been in Viet Nam 10 years.

President Eisenhower wrote President Diem a letter in 1954 when the French pulled out and said, "We want to help you to help your people keep from going Communist and we will furnish you advice . . . ."

Some of our people--Mr. Nixon, Mr. Rockefeller, Mr. Scranton, and Mr. Goldwater--have all, at some time or other, suggested the possible wisdom of going north in Viet Nam. Well, now, before you start attacking someone and you launch a big offensive, you better give some consideration to how you are trying to protect what you have . . . .

As far as I am concerned, I want to be very cautious and careful, and use it only as a last resort, when I start dropping bombs around that are likely to involve American boys in a war in Asia with 700 million Chinese.

So just for the moment I have not thought that we were ready for American boys to do the fighting for Asian boys. What I have been trying to do, with the situation that I found, was to get the boys in Viet Nam to do their own fighting with our advice and with our equipment. That is the course we are following. So we are not going north and drop bombs at this stage of the game, and we are not going south and run out and leave it for the Communists to take over.  

Then he spoke of how American bombs had been dropped thirty-five miles from the Chinese border: "I don't know what you would think if they started dropping them thirty-five miles from your border, but I think that is something you have to take into consideration." Again, he struck the theme of

---

71 Ibid., pp. 1164-65.  
72 Ibid., p. 1165.
general caution and restraint in foreign affairs. But he was already involved in Vietnam and while he hoped for minimum American participation he did not intend to leave the impression that he was ready to disengage.

In the middle of October, he reviewed his defensive policy: "... if you don't want to enlarge it and you seek no larger war, and you don't want to pull out and run home, the only thing you can do is what we are doing. We let them know that when they shoot at us as they did in the Tonkin Gulf, we will make prompt, adequate and sufficient reply." 73

A few days later, he asserted, "The final outcome will depend on the will of the Asian people. But as long as they turn to us for help, we will be there ... . In Viet Nam we believe that, with our help, the people of South Viet Nam can defeat Communist aggression." 74

Just as Fulbright was weakened by his apparent inconsistency, President Johnson was forced to deal with the same charge. In an analysis of Johnson's campaign statements, he emerges more consistent than his accusers made him out to be.

Analysis of Johnson's Conception of His Powers and Intentions

In hindsight, it can be seen that Johnson never made a campaign promise to keep American troops out of Vietnam.

73 Ibid., p. 1267.
74 Ibid., p. 1268.
Rather, he expressed a profound unwillingness to involve American fighting men at the time he spoke. At the same time, he was determined to prevent the North Vietnamese from gaining the ascendancy in South Vietnam. His philosophy was essentially defensive; the United States would fire when fired upon. And the U.S. would never let down her friends. It is true that contingency plans were being laid, probably with his knowledge, for American warfare in Vietnam. It is also likely that the President did not anticipate immediate use of the plans. He was evidently resisting advice from within his own Administration to escalate the war. The available evidence indicates that in the context of late 1964, the President really believed that "just for the moment" Americans should not fight in the place of Asians.

An undiluted sense of his own power is present in every statement. His use of the pronoun "I" in connection with the formulation of policy is without apology. During the campaign, Lyndon Johnson showed that he considered war-making to be a Presidential function. The question he introduced into campaign rhetoric was not whether the President should seek the advice and consent of Congress but rather what kind of man would have access to the nuclear button and to the reins of foreign policy. There was no doubt about American responsibility to the world, to Southeast Asia, nor was there doubt about the President's function in fulfilling the national responsibility.
The tone was set for his Administration. All that was required to make the Southeast Asia conflict a personal possession of the President was his election. When he passed from being a man who wore the presidency of his predecessor to a man seeking and attaining his own position of power, he found a degree of hostility and criticism not leveled at a President for decades.

Events following the 1964 campaign are not so clear-cut. Opposition to the President's Vietnam actions did not spring into full-blown proportions overnight. For that reason, it is necessary to regard the period from December 1964, to December, 1965, as a time of evolving opposition. As the war escalated, almost imperceptibly, so did opposition to it. The remaining pages are given to an examination of that process.

The Growth of Opposition

The exigence which resulted in the Foreign Relations Committee hearings grew from a small beginning. For a time after the Southeast Asia resolution was passed, the only serious dissent with Administration policy came from the abrasive Senator Morse whose influence and image suffered because he was so often in opposition. Public dissent began almost immediately, although on a small scale.

In the Senate, McGovern and Church began speaking openly concerning their doubt about the American stand in Southeast Asia. They formed a small group along with Gruening and Morse. In January, 1965, Frank Church gave an interview
to *Ramparts* magazine expressing his reservations. During this period newspaper editorials from around the country praised his courage and judgment in speaking out on the futility of U.S. involvement in Southeast Asia.

Perhaps the most significant thing about the Church interview and the responding editorials was that it gave Fulbright his first occasion to hint at his disagreement with Administration policy. On January 12, 1965, Fulbright arose in the Senate to submit "an excellent statement with regard to what our policy should be in Southeast Asia." The interview, along with several editorials, was entered into the record.

During the early months of 1966, a Council on Foreign Relations poll of six hundred "prominent Americans" showed that 80% believed the objective to help South Vietnam be independent and have rule over its own territory was correct. However, 90% believed the U.S. was failing to achieve that objective. Of the 90% group, fewer than half favored some sort of disengagement. But 25% wanted a major expansion, even with the use of nuclear weapons. The next day in a news conference, Johnson promised to continue "helping the people of South Vietnam preserve their freedom" and said the U.S. was involved because of a ten year-old agreement made by Eisenhower to "try

---


to help the people of Vietnam help themselves to preserve their freedom." He would not discuss the possibility of nego-
tiation or withdrawal with reporters.78

The same week, the Vietcong attacked Pleiku airbase, killing several Americans. In reprisal, American bombers
were sent north. Senate reaction was generally favorable to
the President's action. Fulbright had nothing to say and did
not attend a series of White House briefings, including those
following the bombings. The press was quick to surmise that
Fulbright and the President were separating in their views
and that Fulbright was being snubbed for refusing to be floor
manager of a foreign aid package which contained a military
aid proviso.79 On the whole, the public, the Senate, and the
press reacted favorably to the bombings. The New York Times,
however, began to be critical of Johnson's foreign policy.
After Johnson delivered a hortatory speech to a special interest
group, the Times editorialized: "The people of the United
States do love peace; they love freedom, they will fight for
it." But the American public wanted something more than
"truisms about Vietnam. It must surely want sound, solid,
persuasive arguments to justify the cost in lives and material
and the risks being run." Arguing that U.S. involvement was
based on a desire to preserve national security, the Times
noted:

The motives are exemplary and every American can be proud of them, but the crucial questions are: Can it be done? Is the price too high? Was the military decision in the Kennedy Administration to increase American forces mistaken? Are the dangers of escalation too great? Is this a good battleground of the cold war on which to fight? Is the United States losing more than it is gaining? All lead up to the basic question that some Senators are asking: Is this war necessary?

The editorial said that Americans should not be expected simply to accept the sacrifices and confusion surrounding the war. It was time for "A straightforward explanation."80

As one of the earliest prestigious publications to speak out in such a fashion, the Times received an intense mixture of adulation and angry reaction. While the "American people" may not have been as anxious to hear the President's explanation as was the press, elected representatives continued their push. Frank Church further explained his opposition to the trend in U.S. foreign policy in an article, "We Are in Too Deep in Asia and Africa." He contended that America was involved in many places where no vital interests were at stake. He charged that U.S. foreign policy was too preoccupied with monolithic Communism and the image of America as "guardian of the 'free' world." He advocated giving only funds and supplies to Asians. His conclusion was to praise the President for placing the emphasis on domestic improvement.81

On the same Sunday, two thousand people marched at the United Nations in protest of the Vietnam war and Republican Senator Jacob Javits called on the Administration to be more communicative about its policy. The President, he said, should "address the nation promptly in the most considered way" to explain his objectives. Three days later, the New York Times echoed Javits in "A Time to Speak." Noting that Johnson had not revealed his reaction to a proposal by U Thant for negotiations, the editorial complained that he would not take the American people "into his confidence about any other aspect of American policy in Vietnam. In a democracy like ours, this is an inexplicable procedure." The Times remarked, "... the American public is greatly disturbed and anxious about the Vietnamese conflict." It concluded, "It is past time for President Johnson to speak up."

Johnson's awareness of the crescendo of opposition may be reflected in former President Truman's presumably solicited supportive statement. It was issued with unqualified support of Johnson's policies. It may have been a regularly scheduled hearing on foreign assistance which showed the President that his Senate support was eroding.

83 Ibid., p. 18.
84 Ibid., February 17, 1965, p. 42.
85 Ibid., February 18, 1965, p. 10.
Signs of Doubt in a Hearing

In March, 1965, the routine hearings on foreign assistance got underway. The main issue in these hearings was whether military aid should have been attached to a bill authorizing more general forms of aid and whether the Senate could authorize an open-ended fund for Administration use.

Fulbright questioned David E. Bell, Administrator of the Agency for International Development, and revealed his view of the genesis of American involvement:

Our honor got involved, our responsibility got involved. I don't recall there ever having been a proposal submitted to the Congress or even publicly discussed that Vietnam is vital to the security interests of the United States.

The so-called commitments down there... usually were in the nature of a public statement either by visiting VIP or maybe a letter by the Executive, often more or less confessing sympathy with the desires of the Vietnamese to establish an independent government. It would seem to me a most casual way of ascertaining a vital interest.86

Before the next session, the weight of a respected political organization was added to the dissent. On March 21, the California Democratic Council criticized Johnson's widening war and called on him to stop the bombing.87

Chairman Fulbright's reservations about the nature of America's commitment were not enough to prevent his telling Defense Secretary McNamara that he was willing to vote for an open-ended fund. He said, "I am perfectly willing to let the


committee decide, of course. I think it saves a lot of wear and tear to authorize it for more than 1 year. There is great similarity in these programs and has been for many years. It gets to be an awful chore to go over it year after year."

As the hearings continued, Wayne Morse, antagonist of the Administration, objected to open-ended authorization on the basis of its upsetting the distribution of powers:

I am opposed to giving you the authority to transfer these funds back and forth among countries. I don't think it takes you very long to get up here to make a case for supplemental appropriations and requests. I think if we are going to maintain the congressional system rather than move more and more into a parliamentary system, that is the way to do it.

I think that the way we are handling foreign and military aid we are taking on more and more of the characteristics of the parliamentary government rather than a congressional government.

McNamara retreated, weakly replying that the "need for prompt action" might not be met, "particularly when Congress is out of session."

Later during the session, Fulbright expressed his anxiety to George W. Ball who was representing the Secretary of State at the hearing: "It seems to me that your basic assumption with regard to Vietnam is that our present policy will continue or that you don't expect to succeed in bringing this to any close in the foreseeable future, I should say."

---


Ball answered that everyone should "proceed on the assumption that it may be a very long term affair." 90

The next section of dialogue was marked "(Deleted)" in the hearing text. But it resumed with Ball talking about presidential authority, indicating that Fulbright may have questioned him about it. Ball said, "I think as far as authority goes there is no serious question about the authority of the President to do anything that he needs to do in this situation, not merely because of his inherent powers as the Commander in Chief and his responsibility for American policy, but also because of the resolution which was passed in August." Ball hurried to modify the tone of his statement: "But there is no intention to rely on that authority and neglect what seems to us and to the President, certainly, to be an essential element in the effective relations between the Executive and the Congress which is constantly in his mind; namely to keep Congress informed. He has been keeping the Congress informed on almost a weekly basis." 91

The next session was marked "(Deleted)" but there was evidently an exchange over the projected course of U.S. policy as understood by other allied nations. When the transcript resumed, Fulbright was expressing his worry over foreign press relations to U.S. policy: "I only raise this because I think it is a rather important matter. If we are going to follow that course, this committee, and I would hope the Senate,

90Ibid., p. 644. 91Ibid., pp. 644-45.
would be behind it and there wouldn't be too much disagreement as to what the proper course is in South Vietnam." World newspapers were beginning to suggest that the United States was embarking on all-out war and Fulbright was not so concerned about the truth of those accusations as he was about whether the Administration was building a power base in the Senate. This is one of the earliest intimations in Committee of Fulbright's interest in the distribution of power on war-making. He concluded, "I think at the present time even on this committee there is a good deal of confusion, to say the least, about where we are going in South Vietnam." 92

If Johnson was not already prepared for a clash with Congress, he showed signs of alarm and of preparation.

The President Seeks a Vote of Confidence

On the night of April 7, Johnson made a major address on Vietnam. He affirmed his intention to take a responsible position in Vietnamese affairs but also held out the olive branch--"We will never be second in the search for . . . a peaceful settlement in Vietnam."--and he offered massive financial aid to all of Southeast Asia at the conclusion of the fighting. 93

By May, the President must have been disturbed deeply by the resistance to his style of foreign involvement. He took an unusual step, for a congressional government, of asking

for a second stamp of approval from Congress. It took the form of a request for an additional $700 million for conducting the war, funds which were already available to him from other sources. It was at this point that Johnson began to take action to bolster his supply of war-making power at the expense of Congress.

He sent a message along with the request, saying that U.S. presence in Vietnam "May well have already brought us much closer to peace." Before his message, he had called the House and Senate Committees on Armed Services, Appropriations, and Foreign Relations to a meeting which he opened to cameras and reporters. Morse was not intimidated by the presence of the press. He directly opposed the appropriation because he felt it was for an illegal "undeclared war." The various committees, however, were quick to approve the request. On the 5th, the House approved the request 408 to 7 and on the 6th, the Senate voted 88 to 3 to give Johnson the funds.

The significance of the request was less in the approval of funds than in the President's interpretation of the approval. Making his intention clear, he said:

This is not a routine appropriation. For each member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam. Each of us is saying that the Congress and the President stand united before the world in joint determination that the independence of South Vietnam shall be preserved and Communist attack will not succeed.

---

He restated his justification for involvement as resistance to "aggression" and because of "our commitments, our principles and our national interests." Then he turned, once again to the power-authority theme:

Less than a year ago the Congress, by an almost unanimous vote, said that the United States was ready to take all necessary steps to meet its obligations under that SEATO treaty. That resolution of the Congress expressed support for the policies of the Administration to help the people of South Vietnam against attack--A policy established by two previous President.

His final approach was to make Executive-Congressional unity on the matter more palatable:

I do not ask complete approval for every phase and action of your Government. I do ask for prompt support of our basic course . . . . Nothing will do more to strengthen your country in the world than the proof of national unity which an overwhelming vote for this appropriation will clearly show. To deny and delay this means to deny and delay the fullest support of the American people and the American Congress to those brave men who are risking their lives for freedom in Vietnam.97

The Senate Moves Toward New Responsibility

Only three Senators voted against the appropriation; Gaylord Nelson was added to the Morse-Gruening duo of publicly dissatisfied legislators. A number of Senators made it known that their affirmative vote did not signify approval of the President's policies, although their reservations were not permitted into print.98 But on May 8 as the President signed the bill into effect he called it a clear message that America

98Ibid., May 7, 1965, p. 3.
"will do whatever must be done to insure Vietnam's freedom." 99

Additional evidence of the Administration's concern over dissent was the White House release of an endorsement of Johnson's policy from former President Eisenhower. The letter, written several days before its release, needled critics: "... if there is any who oppose the President in his conduct of our foreign affairs, he should send his views on a confidential basis to the administration; none should try to divide the support that citizens owe to their heads of state in critical international situations." 100 During that time period, the State Department sent out a three-man "truth team" to campuses to explain the Johnson position to academic dissenters. Their first stop was at the University of Iowa and it was reported that they met with skepticism. 101 At Columbia University demonstrators forced cancellation of an awards ceremony by the university's Naval reserve unit. 102

Surprisingly, Fulbright still supported the President in public. On a European tour, he told reporters in Strasbourg, France, that we should not abandon South Vietnam and said that he "fully supported President Johnson's policies in Vietnam." 103 But columnist James Reston indicated his own

100 Ibid., May 5, 1965, p. 18.
101 Ibid., p. 16.
102 Ibid., May 8, 1965, p. 16.
103 Ibid., May 6, 1965, p. 4.
confusion over the Johnson policies. Striving not to be overly critical, Reston wrote that the change in Johnson's emphasis from domestic to foreign affairs was "startling" and he noticed a shift in the announced justification for Vietnam involvement: "Last year, he talked a lot about being in Vietnam to help the Vietnamese help themselves; now he is treating Vietnam as a vital national interest to be defended at any cost."104

It is of importance to note that the New York Times lay the burden of the war on Congress. In early May, the Times editorialized, "Congress's control of the war-making power has been eroded almost to the point of invisibility." The writer went on to acknowledge that the launching of thermonuclear warheads by a hostile nation would necessitate independent and decisive action from the President. The disturbing thing was that "the people's elected representatives in Congress have largely abdicated their constitutional responsibilities" in evaluating "guerilla wars, undeclared wars, civil wars and wars by subversion." In the Southeast Asia conflict, "Congress has not conducted a full, serious debate on American participation." Senator Fulbright was assailed for his "reluctance . . . to follow his independent ideas by asserting his full authority as chairman of the Foreign Relations Committee."105


105Ibid., May 9, 1965, p. 12-E.
The same issue of the Times reported on a national survey that public opinion had not yet jelled on the Johnson policies. Indeed, there was a "substantial endorsement" but the range of endorsement included "grudging acceptance, mixed with a sense of confusion, to unqualified approval." The position most often held was that the President should be supported since men had already been committed to battle.106

The Executive-Legislative clash over Vietnam was given clear form from the very beginning. Wayne Morse's bristling manner gained the greatest attention for a time. But it was Chairman Fulbright who emerged as the chief critical analyst of Johnson policies. He had much to lose, Johnson's friendship and his desire for privacy, but it was his public opposition which ultimately gave form to the debate.

The Fulbright Factor

On April 6, Johnson invited both Fulbright and Majority Leader Mansfield to preview his Johns Hopkins speech in which he offered "unconditional discussions."107 After the speech was delivered, on April 18, a reporter asked Fulbright to comment on Johnson's stated policy. His reply was supportive and moderate, although he went a step further than usual to offer additional public suggestions:

I have said on numerous occasions that I support the Administration's present policy . . . . Within the

106Ibid., p. 42.

near future, before the escalation goes too far, a temporary cease-fire might be advisable in order to give the people a little time to contemplate the trouble. The daily bombings are inclined to keep the atmosphere tense, and I think perhaps to make the North Vietnamese dig in . . . .

He next argued that the President's proposal of discussions "might be enhanced by a temporary cessation of the bombing." 108

At the end of April, the President sent troops to intervene in the Dominican Republic's revolution. Subsequent investigation revealed a gap between the President's evaluation and the reality of the situation. Not a few observers suggest that the Dominican intervention was the trigger for Fulbright's growing dissatisfaction. One biographer says, "If he had not been disillusioned by Administration conduct in the Dominican Republic, he probably would not have dug so deeply into Asian moves." 109

During the early part of the summer of 1965, Fulbright and Johnson had a number of private meetings with Fulbright trying to move Johnson to re-evaluate his policy. It is likely that he had some influence; the Administration flatly rejected Fulbright's April 18 public proposal of a bombing pause but a month later a bombing pause went into effect. 110

In June, Johnson told Fulbright that troop strength in Southeast Asia would probably be increased and he asked the Senator for a favorable public statement. 111 After


111Johnson and Gwertzman, Fulbright the Dissenter, p. 214.
consideration, Fulbright privately told the President that he planned publicly to oppose escalation, but the speech he delivered on June 15 was a moderate statement. He called for concessions by both sides, spoke against both withdrawal and escalation, praised the President for resisting militaristic pressures, proposed continued support for the South Vietnamese army, and said that the nationalistic aspirations of people everywhere should be encouraged. He saw his position as moderate: "People who take one side or the other in a situation receive less criticism than one who tries to go down the middle. But a middle view is the best I can offer." Johnson's reaction was to begin courting Fulbright's favor in private meetings, but in mid-July the Dominican Republic hearings served only to deepen the dissatisfaction of dissident Senators.

Senator Fulbright went to South America on a fact-finding mission in August. While he was away, his staff prepared a major foreign policy position speech. On his return there was lengthy discussion about the propriety of delivering it publicly since it called into question the foreign policy concepts of the Johnson Administration. It

---

112Coffin, Senator Fulbright, p. 252.
114Ibid., p. 13658.
115Coffin, Senator Fulbright, p. 262.
would be the first time that a Foreign Relations Committee Chairman had challenged his own party's leadership since the 1920's. Some of his staff members advised against his delivering the speech, but Fulbright made the decision to go ahead with it.\footnote{Johnson and Gwertzman, \textit{Fulbright the Dissenter}, pp. 216-18.}

On September 15, with some advance notice to the President, Senator Fulbright stood in the Senate to repudiate the basic drive behind American Foreign Policy. While he did not impugn the integrity of the President, he indirectly questioned the President's credulity and his system of advisers: "The principal reason for the failure of American policy in Santo Domingo was faulty advice given to the President by his representatives in the Dominican Republic .... On the basis of the information and council he received, the President could hardly have acted other than he did."\footnote{U.S. Congress, Senate, Senator Fulbright speaking on "The Situation in the Dominican Republic," 89th Cong., 1st sess., September 15, 1965, pp. 23655-23861.} Fulbright sent the President a note saying that he was trying to assist the Administration and advance Johnson's policy objectives. But there was no response from Johnson.\footnote{Johnson and Gwertzman, \textit{Fulbright the Dissenter}, p. 218.} The break was complete. Johnson initiated an effective freeze-out against Fulbright.

The Senator took the occasion of the President's gall bladder operation to send him an encouraging personal note.
He tried to explain his political actions:

It does not seem to me that I can be of any help to you by always agreeing with every decision or every opinion of your Administration. There are necessarily, in many cases, collective opinions, and like all others may sometimes be in error. As I understand the function of a senator, especially one who is deeply interested in the success of his President, it is his duty whenever there is any question about a policy to raise the matter for clarification and for correction if the resulting discussion reveals the need therefore. Subservience cannot, as I see it, help develop new policies or perfect old ones.\textsuperscript{119}

There was no response from President Johnson. Fulbright's interpretation of the method of handling shared powers was evidently not suitable to Johnson's drive for control of power in conducting foreign affairs.

Public reaction to the war grew with every week. Academic dissent became more widespread, draft cards were burned, protest marches became common. Those who supported the President's policy tried to meet their opponents on common ground; an estimated 25,000 marched down New York's 5th Avenue on October 30 to show support, six hundred members of the Southern Association of Student Councils approved a resolution in favor of defending "free people against aggression" and criticising draft card burners, one hundred Brigham Young University students and two hundred Michigan Technological University students paraded in support, and 3,300 Rutgers students signed a "supporting petition." But the nation found it more difficult to take comfort from these demonstrations of

\textsuperscript{119}Ibid., p. 223.
support when there were out-and-out efforts to arouse loyalty for the enemy. A veteran of the Southeast Asia wars formed twenty-five others into the United States Committee to Aid the National Liberation Front. From their organization, a number of sympathizers obtained flags, buttons, and very-American bumper stickers—all proclaiming the virtues of North Vietnam.\footnote{\textit{New York Times}, October 31, 1965, p. 170.} On November 2, Norman R. Morrison, a Quaker, burned himself to death in protest of the war. The week ending November 15 had 108 Americans killed in action.\footnote{\textit{Ibid.}, pp. 267-70.} 

In late 1965, Fulbright organized informal discussion groups on Southeast Asia among several Senators. The Senate mood for an investigation grew.\footnote{\textit{Ibid.}, pp. 267-70.} On December 29, the President ordered another bombing pause and the Senate curbed its criticism for a time. On January 21, Fulbright intimated that the U.S. did not really want to negotiate.\footnote{\textit{Ibid.}, p. 271.} On the 23rd, Secretary of State Rusk appeared before the Foreign Relations Committee. His responses were not satisfactory to the Committee members and on January 28, 1966, the public debate began in what might have been, under other circumstances, a routine rubber-stamping of supplemental foreign assistance.

We have seen some of the most important events which constituted the rhetorical situation. Confusion and haste dominated the Gulf of Tonkin incidents, Congressional action—or, perhaps, inaction—on the Southeast Asia resolution.
Johnson's statements on nuclear war and Vietnam during the 1964 election campaign, the solidification of senatorial and public opposition, and the Fulbright disenchantment built up to an appropriate moment of the rhetorical exigence. The emergence of power themes has also been noted.

Consideration of the rhetorical situation will extend in some measure throughout this study: The final chapter will take under consideration the degree to which some of the audiences were subject to change. Intervening chapters will give attention to a narration of events with brief analytical sections.
SECTION II
THE RHETORICAL CRISIS PERIOD
CHAPTER IV

The Televised Hearings of 1966

The period of rhetorical crisis began in February, 1966, when the chamber in which the Senate Foreign Relations Committee conducted its routine hearings was opened to public view through television. Two groups of opponents entered into an historical confrontation. Philosophies would clash; the whole assumption of Cold War diplomacy--monolithic Communism--would be questioned and defended, efficacy of the President's wartime policy was examined in an unprecedented public dialogue, and the long-buried issue of authority in foreign policy would be resurrected. The public entered into governmental processes in an unusual way.

This chapter contains an examination of dialogue over one issue particularly. Authority in foreign policy was the unsettled problem which made everything else connected with the war more difficult. Nothing at stake could be resolved until an equitable power arrangement was reached. Since the hearings were televised, there are nonverbal or presentational aspects to be analyzed. The audience will be outlined and the circumstances which gave birth to the hearings will be reviewed briefly. The preponderance of this chapter consists of the identification of key passages in the hearings having to do with value issues and especially the
problem of sharing power between the Executive and the Legislature. Topics will be arranged within the context of each day's encounter. Evaluation of the rhetorical themes of power and interpersonal distance will not only be reserved for special sections but will also be integrated into the events. Finally, there will be a brief evaluation of the influence of the hearings.

First, the terminology of Susanne Langer provides a useful model for examining the meaning of the form of these hearings.

**Presentational Aspects of the Hearings**

Susanne Langer suggests an idea which, loosely construed, has important implications for the televised hearings. Langer wrote that communication was not only discursive—"all language has a form which requires us to string out our ideas even though their objects rest one within the other; as pieces of clothing that are actually worn one over the other have to be strung side by side on the clothesline"¹ but words also fit into a "meaning of the whole." She wrote that, "Their very functioning as symbols depends on the fact that they are involved in a simultaneous, integral presentation. This kind of semantic may be called 'presentational symbolism,' to characterize its essential

distinction from discursive symbolism, or 'language' proper." She further explained that there are "fundamental perceptual forms which invite us to construe the pandemonium of sheer impression into a world of things and occasions." Media expert Marshall McLuhan expressed a similar conception in his idea that the medium of expression is a strong, perhaps the only real, message. Whether the medium is stronger than the message is debatable, but Langer's idea of presentational symbolism helps bring into focus the fact that the televising of the hearings was, in itself, an important factor in their effect. Senator Bourke Hickenlooper was more truthful than sarcastic when, in complaining about the bright floodlights, he said, "I realize the paramount importance of talking pictures and things of that kind, which probably supersedes the importance of this committee meeting."  

The Influence of Personal Characteristics

Those who watched the live telecasts or saw synopses of the hearings must have been impressed with the fiery outbursts of Senators Wayne Morse and Russell Long. Most of the verbal exchange was tedious, fact-filled, and precise, but public expectations of personal conflict were not
completely disappointed; at least once in each session some of the Senators made sparks fly.

The public became accustomed to the quiet manner of the Committee Chairman as he cupped his chin in his hand and seemed to drift away. His slow, almost painful, way of explaining his opposition was easily interpreted in two ways. To a sympathetic viewer, Fulbright probably appeared sincere and methodical. To one hostile to Fulbright he could have seemed cowardly and petulant.

None of the Senators impressed viewers more than did the Administration witnesses. The Secretary of State was described as a "man of fortitude and forebearance," whose behavior in the hearings was "decent, dignified, circumspect, self-controlled and self-effacing." He came across as "patient, reasonable, unruffled" but tenacious where Administration policy was concerned.6 Similarly, Maxwell Taylor was described as the Administration's "most effective witness ... Urbane, impressive."7 These qualities, bestowed by a press which was becoming increasingly unsympathetic, could well have made for a saving contrast in the public eye. The Senators too often came over as unprepared and muddle-headed while Administration witnesses usually appeared to be in control of the situation. While it is not for this study to present an extensive analysis of "ethos," it should be

recognized that the non-verbal aspects of the hearings had an effect on the country which would not have occurred without television.

A Public "Teach-In"

Senator Fulbright sometimes spoke of the educational function of the hearings, both for the Senators and for the public. There was a sense in which the function was not so much to discover new insights into the Vietnam situation but to air previously solidified positions. The same words could have been spoken behind closed doors and perhaps closed hearings would have produced a more open exchange. But, as Senator Fulbright observed, that would not have helped the public decide "whether what they are fighting for is worthwhile." Trying to glean knowledge of the Administration's defense from Johnson's and Rusk's speeches was not the same as their coming before the nation for a discussion and "being subjected to questions on the validity of their assumptions." Fulbright may have been impressed further about the significance of broadcasting the hearings when he surveyed his mail. He revealed that virtually all of the few who opposed the hearings objected, not to the content, but either to the way the sessions were conducted or to their being conducted at all.

Columnist James Reston commented on the presentational aspects of the televised hearings. He said that the hearings

9Ibid., p. 8.
would not have been so influential without television: "Open hearings without the TV cameras do not bring the Senators to the caucus room with the same interest and do not have the same impact on the general public." Reston believed that change and understanding would be promoted by the "combination of Congress, the television cameras, and the current problems." 10

Regardless of whether they attracted large audiences or evoked controversial positions among public officials, the televising of these hearings created an awareness of the Vietnam problem which went beyond content. For the first time, many Americans who had accepted the war as an unalterable fact began to understand that more than one position was held by important government representatives.

A By-Product

The broadcast industry took no position on content but the hearings themselves became an emotional issue at CBS. The network created a stir when top officials declined to carry the Kennan session for what they called economic reasons: they said it was costing the network $175,000 per day to carry the broadcasts. Fred Friendly, President of CBS News, resigned in protest. He said the action "makes mockery of the Paley-Stanton CBS News division crusade of many years that demands broadcast access to Congressional debates."

Although it was intimated that there were also personal reasons for Friendly's resignation, the hearing cancellation was the catalyst, at least, for any tension which may have been present. After he resigned, the network announced that even though it meant a sacrifice of viewers and money, CBS would televise the last two hearings and a Friday night summary of all the hearings.\textsuperscript{11} NBC carried the Kennan hearing so that the public had every opportunity to view it, but CBS was in for criticism. The \textit{New York Times} ruminated, "To carry live on television the major testimony of the Senate Foreign Relations Committee's inquiry on American policy in Vietnam is a public service of high order. We agree that this is a contribution to one of the crucial debates of our time and that there is no substitute for live coverage."\textsuperscript{12} The fact that a network which declined to carry one of the hearings was embarrassed by the resignation of one of its best-known and respected officials and the approbation of the rest of the news media constitutes another presentational effect of the hearings.

When one analyzes media effect, the audience must also be considered. In the section which follows, the perceptions of hearing participants will be explored; their behavior was directed, in part, by the numbers and types of people they thought were watching the hearings.


The Audiences

As in almost any rhetorical transaction, there were multiple audiences for the 1966 hearings. Some of the audiences which were recognized by the hearing participants included the President, members of the Legislative branch, the American public with several of its special groups, and Hanoi and its allies.

The various audiences were singled out according to their special interest to Committee members and Administration witnesses. For example, pro-Administration commitment seemed to coincide with an interest in the enemy audience. President Johnson, in a news conference, said the public hearings were damaging to the nation's interests. "When you are talking about military matters and men out there dying, you want to be very careful that you don't involve them or endanger them." He was not against giving Senators information in private "but it is not a matter that you want to have a show about."13

Senator Fulbright and former Ambassador George Kennan discussed the same North Vietnamese audience. Fulbright noted that some critics were saying that the hearings were "giving aid and comfort to our enemies." He asked, "Do you feel these hearings . . . are in the public interest or not?" Kennan's answer was thoughtful and thorough, revealing the

difficulty he felt:

Senator, I am aware that no one sitting in this seat and testifying before your committee can suppose that his observations are purely detached and that they do not affect the situation to which they relate. To talk about this situation at all . . . is today a responsible act, and must affect the situation itself in some ways. I can assure you that it is not a pleasure for me to sit here and to say things which I know are going to be taken in some respects as critical or skeptical of the wisdom of our present policies."

But whatever the enemy might think, Kennan believed the issues at hand were important enough for public debate.14

The Senators were made aware of the American public; indeed their awareness may have accounted for some of the "grandstanding" which occurred periodically. Senator Gore of Tennessee mused, "You know, millions of people, perhaps uncounted millions have been watching this hearing today. My office has been flooded with telephone calls, my staff advises me. I am sure that is true of every member."15

The audience was discounted by some. For example, CBS stated that housewives made up the audience; housewives were not considered a vital part of the foreign policy-making process.16

Senator Fulbright released several letters, one of which was from CBS's typical housewife. She wrote that she objected to the cancellation "of regular daytime television programs"


15Ibid., p. 410.

and said it was "losing you the support of housewives."17

George Kennan reminded Senator Gore that the traditional role of the Legislature was to reflect the will of the American people; to be America's most attentive audience. Now, however, the Legislature could not be merely a reflection of national opinion. Instead the people "require exposure to precisely this sort of a discussion in order to have the issues clarified for them, and I see nothing more that we can do for them than this."18 The Committee would serve an educative function with the nation as its classroom.

Senator Morse was preoccupied with the legality of the war. He wanted a declaration of war to be brought before Congress, not because he wanted to intensify or formalize the war, but because he hoped to bring about a significant debate. His view of the audience, therefore, was typified in such statements as, "I think the American people are the ones who ought to decide what our foreign policy should be." Morse constantly referred to the people as an instrument of change, threatened the Administration with the people, and placed the burden of foreign policy on the people.19

Senator Gore was most interested in the Presidential audience. He was the Senator most willing to acknowledge the public's importance in watching the hearings. Like Morse,


19Ibid., February 17, 1966, p. 512.
he wished to influence the President but not in quite the
same spirit. He explained the hearing objectives: "What we
are seeking to do now is to go over the head of the President
to the American people, and reach him by way of the people."
He justified this attempt on the basis that Presidents have
long subjected Congress to the same thing: "Indeed the
State of the Union message is no longer to Congress but in
the prime hours of the evening by way of TV to the American
people." He summarized, "So the Congress, this committee,
is trying to reach the American people. We think it is
necessary." 20

As the hearings ended, Gore expressed his satisfaction.
The sessions had opened lines of communication which some of
the Senators thought the Executive had closed. Gore said to
Rusk that he had been afraid "that we had passed the point
of no return in communicating our concern to you and to the
President. I do not say this facetiously. I say it, I
think, in truth. We have reached the President by this hear-
ing. I understand he has been listening today and yester-
day." 21

The President was listening and, if his wife's reaction
was any reflection of his own, with great anxiety. Lady Byrd
Johnson wrote in her diary,

The week had been a terrific strain, trying to assess
the effect across the nation of the Vietnam debate. There

had been increasing hostility in the newspaper columns, for days and weeks it seemed, and then, on Thursday and Friday, I had the feeling that it was our inning— that we won with General Maxwell Taylor and Secretary Rusk.22

The presidential audience was important in the minds of the Committee members. Some hoped to punish the President for being high handed, some hoped to probe without offending him, and there were probably some who hoped to show him loyalty. The President's reaction to the hearings, however, was never discussed in public at length, but the dissenters felt that "limited objectives" had been achieved. Enough rhetorical audiences had been reached to pressure the President into considering more alternatives.23

Senator Case suggested that the inquisitors, themselves, were a primary audience. At this point in his career, Case had not yet decided which position was right to take. His was a wait-and-see attitude, probably leaning toward the Administration position. Of the hearings he said,

All I personally want is to be assured that we are on the right track, and the experiences we have had over the last few years are not such in many cases as to make us completely easy with just a rather calm assurance to "trust us." That is why I think it is desirable to get to the bottom of the thing as far as we can now.24

In retrospect, it is likely that the most important audiences were the President, the press, and the Committee—


men. The President was well known as a proud man who was easily angered when his wisdom or veracity was questioned—he was surely moved, perhaps made more adamant, by these hearings. The press was able to digest and summarize the hearings for the American public, the public being largely overwhelmed by the sheer volume of the hearings and deprived of being able to see the bulk of the hearings which were broadcast during work hours. Also, the press was rapidly becoming a Johnson nemesis, causing him to become obsessed with negative press reaction to his Administration. The Committeemen, many of them for the first time, were forced to search out all they could on Vietnam just in order to appear alert before the American public. The Senators were aware of their constituencies, of home-town newspapers, and of the President's watchful eye. In many respects, the Committee was more exposed to critical appraisal than the Administration witnesses.

Now, let us turn to an examination of the five days of hearings to discover what the various audiences heard when value issues were discussed.

**Prelude to the Hearings**

Not only were the Senators ready for hearings, they were ready for the hearings to be held in public forum. They had chafed for months under the Johnson policy of private briefing sessions where there was little real dialogue. Particularly those Senators who had a special interest in the conduct of foreign affairs were offended by the lack of
genuine consultation and by being party to after-the-fact foreign policy decisions.

It would appear that the criteria for Johnson's conception of advice and consent were being met. He was at least interested in relating to the Senate, not to the Senate's satisfaction, but in his own way. Johnson told his top cabinet man early in 1966 to be with the Senators: "I want you to live with these fellows. I want you to brief them, have them to your office for lunch, and out to your house in the evening."25

But the small briefings were not impressive to the Senators. One Democrat described a briefing session:

The President talked for a while and then called on Rusk. After a bit, the President signaled him (making an eggbeater motion) to speed it up, the way he used to signal the reading clerks in the Senate. Then came McNamara and his pointer and map, and the President cut him off the same way.

That was all. We weren't asked our advice. We were told what was being done and asked to consent.26

Even the conservative press was becoming restive about the lack of Senate participation. In mid-January the Wall Street Journal editorialized that Congress needed to play a "more active analytical role" in examining a Vietnam policy that "seemed characterized by drift." The editorial stated, "We need not hysterical outcries against America's involvement but serious thinking about America's interest." Congress was

26Ibid.
asked to "make its contribution, in the hope of ensuring that this open-ended war has some foreseeable and honorable end."27

Time and place would have to be chosen by the Legislative branch since there was no indication that the Administration planned any departure from its policy of simply informing the Senate of its actions. There were several possibilities. For example, the Senate Finance Committee might have taken up the question since its approval was essential to the exercise of Executive function. The Senate Foreign Relations Committee, however, was a more probable platform since its members were more outspoken on foreign policy and more prone to dissent.

In 1966, the routine Executive request for additional funds for AID—the foreign assistance program—ran into difficulty in the Foreign Relations Committee. It had been past practice for the Committee to give the yearly requests immediate approval after making some economic adjustments. There may have been some carping about the basic philosophy of foreign aid, but 1966 brought about a new significance for the Fulbright Committee. Fulbright signaled the new concern when he opened the hearing with a statement of its relevance for the Vietnam situation. He said that, "requests for additional aid cannot be considered in a vacuum, but must be related to the overall political and military situation in

Vietnam." The hearing, he hoped, would help both the Committee and the public to gain "a better understanding of fundamental questions concerning our involvement in the war." The Administration was prepared for something more than the usual appropriations hearing. Some of their finest spokesmen were to appear before the Committee, all of them primed for the most difficult questions.

The First Day

On January 28, the television cameras were focused on the Secretary of State. In addition to detailed and analytical exchange about the nature and extent of America's Vietnam involvement, an extensive amount of time was given to issues relevant to this study. The most pressing philosophic issues included America's role in world leadership and protection, secrecy in government, the danger of pursuing a chauvinistic war to the point of nuclear engagement, the role of legislators in planning foreign policy, the 1964 Southeast Asia (Gulf of Tonkin) resolution, and the question of declarations of war in modern times.

United States Leadership

Secretary of State Dean Rusk made an opening statement explaining, in general terms, the American commitment to Vietnam and the matters at stake in the war. He spoke with the

---

assurance of one who subscribed to the absolute dichotomy between the "free world" and communism: "The heart of the problem in South Vietnam is the effort of North Vietnam to impose its will by force." He posited the argument of maintaining American reliability, saying, "The integrity of our commitments is absolutely essential to the preservation of peace right around the globe." Rusk's belief in America's evangelistic aims of the United States emerged when he said:

The steady purpose of the United States is to build a world in which all nations—large and small, rich and poor—can progress in peace, secure against external interference. The United States would not allow North Vietnamese force to go unchallenged. It would not be an all-out war but rather the "selective application" of United States forces would assist the South Vietnamese. He drew the lines: "there is no alternative—except defeat and surrender—to meeting force with force.29

Thus, the Administration began its attempt to convince congressional critics of the worthy objectives of its policy.

Chairman Fulbright's initial inquiry took up the question of America's role in the world. He had been worried for years about whether the United States was being too heavy-handed in dealing with other nations. His questions called forth several denials from the Secretary of State: "we are not putting ourselves in the position of the gendarmes of the universe." Rusk denied, "We are not trying to impose a Pax Americana on the world." But he came back on himself when he continued, "We are trying to create a situation in which, in accordance with the U.N. charter, all nations, large and

29Ibid., pp. 2-3.
small, can live unmolested by their neighbors and have a chance to work out their own decisions in their own way."\textsuperscript{30}

In Rusk's mind, the question of America's world leadership was easy to pose and the answer was implicit,

and that is whether we shall get out of the way of those who are prepared to seize their neighbors by force, particularly those to whom we have commitments; whether we should let them succeed and come to the conclusion that force is profitable, that their brand of world revolution can succeed on the basis of militancy and armed action, and that there is, therefore, no reasonable prospect for the kind of world that we set as a goal in the U.N. charter.\textsuperscript{31}

The essential posture of America's foreign policy was officially defined as being defensive; in any military action the United States was only protecting itself--its interests. This policy was questioned by critics for a variety of reasons. Barry Goldwater, it has been shown, was opposed to a defensive policy. When Senator Aiken joined the exchange he said he was opposed to a defensive stance because it was letting "the other side determine whether the United States becomes locked in a land war in Asia or not." He challenged Rusk not to allow North Vietnam to make America's military decision. Rusk defended his policy, based on the "nature of aggression," saying that "the initiative lies with the aggressor."\textsuperscript{32}

Past American foreign policy had included what some news analysts had come to call "rocket rattling." Secretary of State John Foster Dulles' "brinkmanship" policies were not as

\textsuperscript{30}\textit{Ibid.}, pp. 1-10. \textsuperscript{31}\textit{Ibid.}, p. 15. \textsuperscript{32}\textit{Ibid.}, p. 40.
widely accepted in the mid-1960's as they were in the Eisenhower days. There were fewer statesmen who were willing to risk a holocaust simply on matters of principle. A part of the Administration's power in foreign policy was nuclear. The military was under Administration control, also. It was only natural, then, that some of the Senators should have challenged the Administration in this area.

Senator Clark was a reluctant critic who opposed the deepening American involvement out of fear of nuclear war. Speaking to Rusk he said:

I have become progressively more in disagreement with you and the administration's policy . . . I regret that very much. I think you know my very high personal regard and respect and, indeed, affection for you, and it makes me very unhappy that we are not in accord.

He suggested that Vietnam had become an American war and Rusk responded that South Vietnam was still carrying the larger burden. Clark then pursued the Secretary of State for a projected figure on how many Americans would be required, but he made no headway. He then flatly stated his opposition to any further escalation and concluded, "I think we are running out of wiggle room. I think we are coming pretty close to the point of no return and personally I am scared to death we are on our way to a nuclear world war III."33

Claiborne Pell was also disturbed by what he was as the only alternatives—unilateral withdrawal or World War III. He questioned the wisdom of following the advice of the military

33Ibid., pp. 25-26.
who had maintained for years that "with a little more force and with a little more effort the war could be won." The Senate's confidence in military judgment had eroded, "and yet each year we do what the military asks us, and we give them what they want . . . and we seem no nearer the end of the road now than we were then." 34

This period of questions, answers, and comments reflects one of the root problems in the Executive-Legislative power struggle. A liberal Senate which had historically supported American participation in world affairs was beginning to question its actions. With the influence of such spokesmen as Fulbright and Church, it had become more respectable to suggest the possibility that the United States had overextended itself in economic aid and military assistance. The Administration was not only in the position of justifying American leadership but also of preserving its most active and expanded role. The State Department and the Pentagon were powerful institutions, almost to the point of co-equality with the three branches of government. When Senators challenged the American role in world affairs, they were challenging the Administrations philosophy and action. When Secretary Rusk defended America's leadership, he was also defending his own right to assist the President in making ultimate foreign policy decisions.

34Ibid., p. 31.
Secrecy in Government

Also fundamental to the division-of-powers struggle was the issue of secrecy in Government. Particularly in the area of foreign policy, Americans have assumed and accepted secret "deals" between nations. The intrigues of European nations in the World War I period were repudiated but the nation had been educated to the fact that there was often complicity, even in United States relationships. Roosevelt's dealings with Great Britain, the suspicion that America had "sold out" at Yalta, President Eisenhower's vacillation at the downing of a U-2 aircraft inside the Soviet Union--all these incidents and more had conditioned the people to near-silence on the question of excessive secrecy. The issue was to become almost an obsession in the hearings, culminating with Daniel Ellsberg's release of the secretly prepared study of the Vietnam War.

Senator Stuart Symington was the first Committee member to raise the issue. He was a former cabinet member and presumably had some feel for the tendency of the Administration to be protective of its dealings with foreign powers. Symptomatic of the meandering nature of the early hearings, Symington's question did not concern Vietnam. He asked about arms shipments to the Middle East and Rusk answered it ought to be discussed in a closed executive session. Symington implied that he had already tried, unsuccessfully, to get an answer in executive session. To this claim, Rusk gave a characteristically evasive reply: "There are some questions to which there is not a very
good answer." Symington pursued the issue of secrecy, asking whether it would be helpful to give the public more information on the growing power of China and its possible political ties with North Vietnam. Rusk made an extensive reply:

Senator, we have tried to expose fully to the public, subject to a very limited number of security problems, the elements in this situation. We have talked a great deal—people don't remember things that are said very long . . . . We do talk a great deal—there are those who think I talk too much. It is hard for the news media to get the space or the time or the attention of their readers and listeners for background and context. I think this is one of our problems of public exposition. I think this is something in which not only the executive branch but members of the Senate and House can help us with as they talk about these things with their people back home.

Senator Clark queried another Administration spokesman who was present with Dean Rusk. David E. Bell, Administrator of the Agency for International Development (A.I.D.), was asked about the right of the American people to know what was happening. At issue was a map which showed areas in South Vietnam controlled by the Vietcong and areas which were contested. Clark questioned Bell in a style which at once mollified and exacerbated:

Let me say to you, sir, because you know the high regard in which I hold you, both personally and as administrator, I think it is almost a fraud on this committee not to permit us to have a map of what the control situation in this country really looks like. How can we perform our duties of advising and consenting if we can't get a map? I am not criticizing you.

36 Ibid., p. 24.
Bell answered that the map was available to the Committee.
Clark insisted that the American people had a right to see the map but Bell replied, "No sir; the only question is whether they should be made public . . . . That is never an easy question . . . ." 37

For many Americans viewing the hearing on television, it must have been startling to hear elected government officials indicate that they were uninformed in certain areas of foreign policy. And to hear the advocacy of releasing secrets to the public may have been beyond the range of acceptance for many. But there were certainly others whose appetites for the right to know were sharpened.

Purpose of the Hearings

Evident throughout the 1966 series of hearings was a need to justify the Foreign Relations Committee's action. With the possible exception of Senator Wayne Morse, members of the Committee were not altogether comfortable in the role of Administration critics in the foreign policy area. So strong were the pressures to appear sound on communism, the Senate's hinges on foreign policy had rusted into position. Chairman Fulbright attempted to explain his opening the doors on a foreign policy inquisition.

He was worried that approval of the aid request would be interpreted as approval of the President's policies while so much doubt actually existed in the Senate. He was

37Ibid., p. 139.
dissatisfied with the Senate role up to that time. Dean Rusk had mentioned that meaningful discussion on Vietnam had already taken place. Fulbright replied:

I would submit, in all honesty, that the discussion has been rather superficial. We had a relatively small commitment, even as late as the Bay of Tonkin affair. I personally did not feel at that time we had taken a course of action that could well lead to a world war.

That was his first public intimation that he had been mistaken in 1964. He supported his feeling with evidence of widespread unease: "It seems to me that something is wrong or there would not be such great dissent . . . . I do not regard all of the people who have raised these questions as irresponsible."38

Fulbright explained his view on the purpose of the hearings:

I think it is the duty of this committee, the administration, and others to try to clarify the nature of our involvement there, what it is likely to lead to, and whether or not the ultimate objective justifies the enormous sacrifice in lives and treasure.

He was not ready to accept the status quo without considerable investigation, a circumstance relevant to his drive for greater control over foreign policy. He brought up the possibility of his tightening the purse-strings, a major exercise of Senate power: "The aid program has been one element in this. I have supported it all these years, but I am having very grave reservations about whether that was wise."39

---

38 Ibid., pp. 13-14. 39 Ibid., p. 44.
Whether sincere or not, the Chairman indicated that he had not yet made up his mind on how far to go. He was only suggesting the possibility of entering into a practice of significant dissent:

I am perfectly willing if, I so conclude, to admit at the proper time that I made a mistake. Perhaps it is impossible for a great nation to do that, too. I do not know. But I think there have been many cases of where great nations have been drawn back from commitments which they came to believe were wrong.

I am not ready to say at the moment that I am positive that our policies in Vietnam have been wrong, but I am anxious to have greater enlightenment about just what we are about and what our ultimate objective is.40

The Constitutional Issue

The dissident Senators regarded as one of their most effective weapons a strict interpretation of the Constitution. As more hearings were held, this became increasingly effective. Although there was never a declaration of war as some Senators wished, by 1970 the Administration would become more hesitant to act in a way that could be labeled unconstitutional. Meanwhile, during this stage of the hearings, the constitutionality issue revolved on the 1964 Southeast Asia resolution.

Senator Gore was first to broach the subject of the possible unconstitutionality of the 1964 resolution and its subsequent use. His initial question was concerned with the SEATO treaty. He asked Rusk, "where are the constitutional processes with respect to the United States that we agreed

40Ibid.
to follow in SEATO?" Rusk answered that such practices as consultation between the Executive and Legislative leaders and the August, 1964, resolution were the legal processes. Gore, referring to the resolution, asked, "Was that a constitutional process?" Rusk answered in the affirmative. Then Gore engaged Rusk in a vigorous exchange:

Gore: Is a declaration of war a constitutional process?
Rusk: It would be one. It would be a constitutional process, but it is not the only constitutional process.
Gore: I voted for this resolution following the attack upon our ships off Tonkin Bay. I interpreted that resolution as approving the specific and appropriate response to this attack, and the chairman of this committee, in presenting such a resolution stated to the Senate that this was his interpretation.
I certainly want to disassociate myself with any interpretation that this was a declaration of war.
Rusk: Yes. We do not consider this--
Gore: Or that it authorized the administration to take any and all steps toward an all-out war. I specifically interpreted that as an attack which we had experienced and as a specific and limited response thereto.

Secretary Rusk then asked for a copy of the resolution, read it, and flung an implicit challenge at the dissident Senator: "this resolution can be amended, can be repealed by a concurrent resolution of the Congress." This was to become almost a taunt as the hearings stretched into the late 1960's.

The next round of questions found Senator Fulbright eager to take on the Gulf of Tonkin resolution issue. He entered excerpts from the Senate debate of August 6, 1964,

41Ibid., pp. 52-53.
into the record and joined Gore's stand. He said that when he defended the resolution in 1964 he did not "visualize or contemplate that this was going to take the turn that it now appears to take." He referred to the growing opinion that Vietnam involvement was leading to nuclear war and said, "I think that is a mission quite different from what I had in mind at that time." 42

Rusk answered that:

the exact shape of the situation as it has developed was not known in August of 1964, and that the exact measures which might have to be taken to give effect to the policy could not have been known and completely clarified, because so much of this turns upon what the other side has been doing during this period.

Fulbright based his objection to the Administration's use of the resolution on the original intent of the legislature in approving it: "Wouldn't you agree though in light of that, that that should not be interpreted as an authorization or approval of an unlimited expansion of the war?" Rusk first denied that a policy of unlimited expansion was being followed but that only gradually, with much thought and thorough peace efforts, the war had grown, and "on these matters there has been frequent consultation with the various committees and the leadership of the Congress as the situation has developed." He referred to continual discussion of the question "in great detail" between the branches since the Gulf of Tonkin incident. 43

42 I b i d . , p . 60

43 I b i d . , pp . 60-61.
Then Fulbright dropped his first attempt possibly to block further expansion of the war through Congressional participation. He said, "the point comes down to: Don't you think we ought to understand what we are in for and that the Congress should give its further approval of this changed situation?" Rusk declined to offer an opinion. Fulbright asked, "in view of that, would the approval of this very large increase in authorization be interpreted as an approval of our policy, as indicated it may be . . . .?" Rusk reaffirmed that the Senate was not being asked for that kind of authorization and Fulbright replied, "I know you are not, but I am talking about the interpretation of it, to be put upon it . . . . Would you think it should be interpreted that way?" Rusk began an answer from a different angle and Fulbright interrupted, "I do not think that is responsive. You do not have to answer if you do not like. You can say that is not anticipated. It is not responsive. But do you or don't you think it should be interpreted that way? You do not have to answer it, but the other is not responsive. I do not wish to--." Here Rusk interjected, "I will have to take it under advisement." Fulbright gallantly concluded, "That is all right if you do not wish to answer it, that is quite all right at this time. I do think before we act it ought to be answered."\(^{44}\)

Senator Mundt was also interested in the question of

\(^{44}\)Ibid., pp. 61-62.
what constituted congressional approval: "Mr. Secretary, do you think that we have reached a juncture in this area of uncertainty and indecisiveness where, perhaps, the administration should send some statement down which we could approve or disapprove or amend?" Rusk's answer came close to conceding that approval of funds was approval of policy:

The Congress has before it two very important pieces of legislation which have to do with a very large supplement to the defense budget, and a very substantial increase in the aid appropriation. That is against the background and in the light of events which have developed since the August 1964 resolution was passed. I would suppose that in the course of this discussion the Congress would have a chance to discuss and to pass judgement upon the situation as we see it at the present time.

Mundt then asked Rusk whether there was any presidential statement accompanying the 1964 resolution which contained the idea that approval of the resolution was approval of policy. Rusk stalled Mundt for another minute while he and aides looked through their book of documents. Soon he was able to discover four points which Johnson had made on June 2, 1964. They included the arguments that America keeps promises, the security of one Southeast Asia nation is important to U.S. security, the only objective is peace, and the war is to maintain freedom in Southeast Asia. Rusk concluded from these statements that "it was not related solely to the attack on a ship in the Gulf of Tonkin." 45

The Senators were nearly all troubled about the President's silence. Those who supported him interpreted

---

45 Ibid., p. 73.
it as poor judgment and believed that if he would only speak out, support would grow for his policies. Those who opposed him interpreted it as indifference or as a malicious attempt to strip Congress of its constitutional exercise of advise and consent.

The first session of the hearings proved to be a lively and interesting encounter. Now let us give attention to an analysis of one of the rhetorical elements other than the power dimension.

**Analysis of Rhetorical Distance**

Since this study is taken from transcripts rather than tapes or films, there are some non-verbal aspects of the distance factor which are impossible to include. It is safe to say at this point that there was a considerable amount of good-will present on both sides. The examiners had not yet become too probing, nor had the witnesses been forced into a defensive attitude. Evidence of this can be seen in such things as Senator Clark's expression of regret at disagreeing with Rusk. Considering Frank Church's later role, it is interesting to note that his stand early in the hearings was not so radical as that of some of his fellow-Senators. He believed that, whatever the Senate's feelings about the war, it was a reality to be dealt with: "I do not think that, in the face of the actuality of war, Congress is going to repeal the war. There is very little to do but support the American boys who are committed there with such
funds as may be required." He was most concerned about overall policy, particularly the way in which the Administration made no distinction among Communist nations and persuasions.\(^46\)

In contrast to the intense dialogue which characterized most of the hearings, there were a few moments of relief. Senator Eugene McCarthy was not sympathetic with Administration war aims, but he did not badger Rusk. He asked about Russian and Chinese views of the U.S. in Asia. Rusk said he believed that they were not happy at seeing America entangled as it was. McCarthy responded:

> The opposite point of view, I understand, has some rather strong support, also.

**Rusk:** Well . . . .

**McCarthy:** In high councils of Government.

**Rusk:** Yes; I have heard the other points of view, and I was just expressing my disagreement with them.

**McCarthy:** And you think your point of view is the one which has the greater weight in whatever decisions may be made in this area, or don't you want to answer that?

At least there is a counterweight to what you say.

**Rusk:** I think these points of view are taken into account. I would have to confess that I think my views as Secretary of State has some hearing on the problem. (Laughter.)

**McCarthy:** We won't ask you to put it in quantitative terms. (Laughter.)\(^47\)

Tennessee's Senator Albert Gore, who was perhaps further from the Administration philosophically and emotionally than the other Senators, was willing to make some hard accusations. At one point he noted: "I was not too favorably impressed in the last few days with the statements by administration leaders, including yourself this morning, that

\(^{46}\text{Ibid., p. 42.}\)

\(^{47}\text{Ibid., p. 33.}\)
during the bombing pause infiltration had continued from the North." He implied that this was merely a propagandistic play. Rusk disagreed and retreated into the past for support, citing the 1964 resolution as a basic authorization for the President's action.48

In summary, on the first day of the hearings the attitudinal distance among participants did not seem to be as great as some had thought it would be. There was general cordiality and many of the opposing positions were shown to be more different in detail than in principle. But the one distance factor which still yawned before the public was the distribution-of-powers issue. The gap had not closed; no common ground was discovered.

Aftermath of the First Session

President Johnson, having felt the blows which were given the Secretary of State on the constitutional question, sent a letter to a group of Senators on the day of the hearing, which affirmed that the 1964 resolution gave him broad powers in military action. He reminded the Senators that the resolution had never been rescinded.49 He was answering members of the Senate who asked for a continuation of the bombing pause. In private conversation, he relied on the resolution. One Republican Senator said, "He has used it all year. He pulls it out of his pocket and shakes it at you." A democratic Senator

48Ibid., p. 16.
said, It was so damned frayed and dogeared the last time I talked to him that I wanted to give him a fresh copy."50

Some Senators, like Russell Long, agreed approvingly with the Senators who called the 1964 resolution a declaration of war.51 They would have liked to stop the debate and win the war. But Senator Morse wanted to take action against the Administration. On the day after the hearing, he offered the Senate a resolution to rescind the 1964 resolution and called on the Foreign Relations Committee to conduct a "full and complete investigation of all aspects of United States policy in Vietnam." He said that Americans were "entitled to know how every member of the Senate stands on escalation of the war."52

The Wall Street Journal editorialized that the wrong questions were being asked. While the hearings should have centered on whether "Vietnam is an acceptable drain on our resources," the "attack" on the Secretary of State:

centered on whether the Administration had a Congressional mandate to wage the war at all. Now, there is a legitimate theoretical issue in the Congressional prerogatives of Congress to declare war and the President to be Commander-in-Chief of the armed forces. But a precedent was established in Korea . . .

In addition, Congress has passed a resolution unmistakably giving the President the widest discretion in Vietnam. When this resolution was being debated, Senator

51Ibid.
Fulbright himself stated it was advance authority for whatever the President deemed necessary .... 53

Initially, the most vocal among United States citizens were in support of the hearings. A New York lawyer, Hoch Reid, expressed the feelings of many Americans in his letter to the editor of the New York Times:

The voices of opposition heard in Congress recently give hope that at last the legislative branch of our Government will withdraw its blank check to the President and seek a resolution of these basic issues through a full debate in Congress. As James Reston recently said of Washington, "No capital ever talked so much about 'great debates' or had so few of them." If Congress loses its constitutional function with regard to the declaration of war it will be because it abdicated its responsibility rather than because it was usurped by the Executive. 54

There was a week's wait while the Committee evaluated its position and the Administration licked its wounds. Both sides became more entrenched. The second session, however, did not produce any significant new arguments from either side. Fulbright seemed to have difficulty in getting it on the right track.

The Second Session

After a few days of evaluation, it was decided that the Foreign Relations Committee would conduct an extensive inquiry into the war. An important factor in this decision was, according to the New York Times, "a growing feeling among many Senators, including J. W. Fulbright, the committee chairman

that while President Johnson wants their consent on any moves he may decide to make, he does not want their 'advice'.

There was a widespread disappointment in Rusk's and Johnson's tactic of waving the 1964 resolution when pressed for justification of the escalation. David E. Bell, AID Administrator, was to be the Committee's first witness since they were using the President's supplementary request of $415 million as their lever for the inquiry.55

The next section deals with the subject most extensively discussed in the second session.

Communism and Containment

The value issues of the February 4 session centered on the philosophy undergirding American foreign policy and on secrecy in Government. David E. Bell was questioned closely on the request for additional funds but he was not a part of the defender of the Government's practices of withholding information. He remained silent while some of the more vocal Committee dissidents held forth.

Administrator Bell had stated earlier that a basic aim of American Vietnam policy was to "reject Communist aggression." Senator Case pounced on this terminology although his motivation was not what it seemed at first; he wanted the Administration to be more specific and admit that it was China, not communism, that United States foreign policy was directed against. He asked, "What do you mean 'repel Communist

55Ibid., pp. 1-2.
aggression'? I want you to be quite specific about this. This sounds more like a kind of an hortatory effort to arouse our emotions . . . than a precise statement of our objectives."

Case was getting at what he believed to be the true objective of American policy, "that is to prevent China from expanding all over Southeast Asia and outflanking India and the rest."

He was fearful of China, like so many others, and approved of the objective of containing China but he still objected to the use of "Communist" as an adjective "because it makes possible . . . for people to say we are trying to fight an ideology with military force and that is impossible."56

Senator Church pursued the same line of comment. He was more interested in the Administration's justification of fighting in Vietnam for the sake of national security. He said the struggle was essentially among Vietnamese, that Chinese troops were not involved in the fighting, "so it troubles me when this war is justified upon the premise that American security is at stake. Senator Lausche said we had better fight it out in Vietnam rather than at Seattle. Well, I don't think Saigon stands guard over Seattle."57 He agreed with Case that the policy of fighting an ideology was futile and obscured the true objectives:

our primary interest in the world is to contain Russia and China, not because of the ideology they


57Ibid., p. 133.
profess, not because the flags they fly are red, but because they represent massive concentrations of national military power which could be directed against the United States. I worry about our policy in South-east Asia because it seems to me to be directed against the wrong target. We have confused the suppression of communism in Southeast Asia with the containment of China.58

Whatever his views on distorted objectives, Church was careful to affirm his support for American fighting men: "with American men committed there and with the war in progress, Congress will continue to vote whatever money the administration indicates is required."59 But he was planning to be "very skeptical" about foreign aid in general because he was afraid that domestic programs would be cut back for want of funds.60

The longer the televised sessions wore on, the more bold Morse became in tilting with the Administration. Speaking of those who justified involvement out of fear of China, Morse said:

I happen to think that this is a scarecrow argument, that the war-makers in this country are advancing, in an attempt to rationalize and justify the shocking killing of American troops in Asia at the very hour we sit here. I shall be no party to it, and shall continue to do what I can to get it back within the framework of the rule of law, instead of America's jungle law of military might.61

Morse believed that the ordinary citizen should have more to say about directions in foreign policy: "I think that is one of the great issues that the people of this country are going to have to decide in the months ahead, to instruct

58Ibid. 59Ibid., p. 134. 60Ibid., p. 135.
61Ibid., p. 214.
the Government in various ways as to what the people of this
country want rather than what the Pentagon Building and
others want."62 It is interesting to see how confident
Morse seemed to be that the average citizen would be offended
at not being asked to aid in foreign policy decisions. He
may have been unrealistic but it was a vital power theme which
other Senators touched on as well.

The Need and the Right to Know

Case was desirous of a more definitive statement on
objectives from the President. It should be noted that
this was a time of growing suspicion that the President was
not being truthful with the American people, the beginning
days of the famous credibility gap. Case was respectful to
Bell but he made it clear that he was not happy that major
officials were not responding to the Senate challenge. He
said that "any serious description of our objectives . . .
ought to be made by the President of the United States and
not be put rather casually into papers of this sort that come
up here from all kinds of different departments. This is too
important a matter to be dealt with that way."63

Senator Mundt was also eager to hear about national
objectives from the President, himself. He spoke of the
"urgency" for the President to speak "in a message to Congress,
but if not in some nationally televised speech on some

62Ibid., p. 223.
important occasion on which he talks to the people and to the Congress to set out what I believe to be the definitive reason for being in Vietnam and the objectives that we have." He criticized Bell for leaving any mention of peace out of his list of U.S. objectives and said, "you can't blame John and Joan America for writing in and saying, 'We are getting a little bit confused as to why we are there.'" It was time for the President to take the people into his confidence, preferably in "the form a resolution which Congress would debate and which I would expect the Congress would support." Morse interrupted at this point to ask about his favorite subject: "Would the Senator have the President's message take the form of a message asking for a declaration of war?" Mundt answered that he was not asking for a declaration of war. Morse mused, "It is a strange argument that we should kill American boys without a declaration of war."65

In characteristic fashion, Morse took an extreme position. His hope was not simply that the President would explain his position more thoroughly or persuade the Congress and the people of the wisdom of his Vietnam policy. Morse wanted to blow everything apart; he resented any intimation that the Government should withhold information, and he believed that a declaration of war would force the Administration to open its secret files in public view in order to attain a consensus on going to war. When Chairman Fulbright mentioned

65Ibid., p. 138.
that Secretary of Defense McNamara would not appear before
the Committee except in a closed executive session, Morse
reacted strongly in one of the longest and most emotional
responses during this series of hearings:

I want to file my respectful dissent because I happen
to think that it is the Pentagon Building as well as some
people in the State Department who have taken this
attitude in the past. As the chairman well knows, this
has already led the American people a long way down the
road toward government by secrecy . . . No matter how
much criticism it brings on my head, I am not going to
support government by secrecy . . . and the American
people in this country are entitled to have the Secretary
of Defense on the public record because the American
people are going to die by the millions, in my judgment,
if we continue in this war of ours in Asia which, I think,
will lead to nuclear war.

He said that he would not participate in a secret hearing and
challenged the Administration:

Now, if this committee--and I suggest that we have an
early meeting on it--wants to surrender to that request
of McNamara to get behind the closed doors of the com-
mittee and thereby keep from the American people what
they are entitled to know about their own foreign policy
. . . let us have it out, because the American people,
in my judgment, are going to start having it out with
this administration the first chance they get to walk
into those ballot booths, and that is what they had
better do, because they are going to have to vote to
protect their freedom.66

Senators Mundt, Morse, and Case agreed in principle.67 Morse
went a step beyond to accuse the secretaries of State and
Defense of "violating one obligation after another that we
have both under treaty and international law."68 Later in
the hearing he again referred to his "oft-repeated and long-
standing view in regard to lack of justification of my

66 Ibid., p. 164. 67 Ibid. 68 Ibid., p. 165.
Government fighting a war without a declaration of war" and blasted those who "support the prosecution of an illegal war" and who support "killing American boys without a war message ever having come to the Congress of the United States." 69

Periodically even Morse felt constrained to defend his loyalty which was understandably suspect to many Americans. He obviously thought the President was wrong and that his country was making a dreadful mistake. It was a different brand of loyalty which caused his "unhappy state of mind" to lead him to act as he had for over two years, "and have no intention of stopping short of a declaration of war." That would change the complexion of things--he would, "as a Senator urge we unite behind the declaration and try to get it over with as quickly as we can . . . ." 70 But short of a declaration of war he would not give his support: "I think that is the best way, may I say, to give support to American soldiers too, because I do not think they ought to be there in the absence of a declaration of war." 71

Response to the Hearings

On the second day of hearings, President Johnson announced that he would immediately fly to Hawaii for a meeting with the leaders of South Vietnam. The effect of his announcement and subsequent trip was to call attention away from the hearings; whether that was calculated is not known but it was

69 Ibid., p. 173.  
71 Ibid., p. 223.
advantageous to the President.72

The President's trip did not stop the continuing protest. William Sloan Coffin, Jr., spoke to six hundred Yale students in a two-hour rally against the war. Faculty members from Princeton—150 of them—sent telegrams to Senator Fulbright, encouraging him to continue his opposition to the bombing.73

Senator Fulbright did not seem particularly militant after the second hearing. Reporters asked him about McNamara's refusal to appear in a public hearing and tried to goad him into an extreme statement. But Fulbright denied that there was any "war on the White House." He said that the Committee's actions would continue to be "civilized."74 President Johnson and Wayne Morse entered into an unintentional alliance to deny the fruition of Fulbright's hope for civilized hearings; when Johnson arrived in Hawaii he publicly derided the "special pleaders who conceal retreat in Vietnam." He said they were "a group that has always been blind to experience and deaf to hope." Senator Morse was offended at the President's words and, on February 7, stood in the Senate and delivered an angry response. He asked, "Do you mean Pope Paul? Do you mean Senators who believe Communism in Asia will not fall before weapons? Do you mean the millions of Americans who voted for you in 1964 when you counseled them against expanding and

73 Ibid., p. 6. 74 Ibid., p. 7.
escalating the war into North Vietnam?" Then he cited the President's campaign remarks about his not wanting to commit Americans to an Asian war. 75

The second day had produced a sense of disorganization and bitterness. The longer Senators talked about being left out of the decision-making process, the more angry they became. Bell had brought them no reassurance that the President was listening or that he cared. The rhetorical distance was widened. The maneuvering for power continued.

The Third Session

On the 8th of February, the Committee entered into its third session, this time with General Gavin, who had gained some attention through his enclave proposal. He did not recommend American withdrawal but rather a series of fortresses throughout South Vietnam to maintain a defensive posture and reduce American casualties. Because of his unusual position he had gained press attention and some of the anti-war elements looked to Gavin's proposal as a possible compromise. He proved to be sympathetic with some of the basic views of dissident Senators on the Committee.

The Gavin hearing was not productive so much of advocacy on value issues as were the other sessions. The Senators gave their best attention to discovering all they could about General Gavin's proposal and his views on the war.

During this hearing, Ohio Senator Lausche asserted that Hanoi hoped America would change its policy because of internal disagreement. He asked Gavin, not just what the effect of hearings per se would be but rather how the content of the hearings might harm the United States. He spoke favorably about the need for discussion on the issue but he was concerned about the public denunciation of administration policy, the intimations that the U.S. should "pull out", and the advocacy of a unilateral bombing halt. He asked, "What is your opinion as to whether we are helping the cause or hurting it . . . . May I have your views on that?" The General replied, "it is harmful to our position in world opinion" but he qualified his answer.

I must say, however, that we must have more discussion of this problem, certainly in the legislative branch of our government. I think that we must take an interest in this, and once having done so, and the problem is understood, we will have more support than we have had otherwise.

Lausche agreed.  

Gavin's position was similar to that which Kennan expressed later; it was not realistic to think the hearings would be entirely helpful to American interests. The dilemma of open dialogue in a democracy is especially apparent during hostilities. Some of the Senators, and some of the witnesses, felt the problem more keenly than others. Another position, occupied firmly by Wayne Morse, was that open dissent should be

---

preserved at all costs and he did not hesitate to point out the inconsistencies he saw.

Senator Morse pushed General Gavin on the question of a declaration of war:

Morse: As you know, General, a few of us, thus far very few, have felt that there ought to be a declaration of war, so that the people of this country would have their elected representatives in the Congress . . . face up squarely to the facts that the power to declare war is invested in them and not in the President. Do you share my view that that wouldn't be a bad idea for Congress to decide what it wants to do about it?

Gavin: Well, if I may take a moment to say, I share the concern of many Americans for the extensive sit-ins, teach-ins, draft-card burnings, and mass demonstrations that have taken place. It is quite unprecedented in many ways, short of the draft riots in the Civil War in New York.

I have a feeling, and I hope you will understand this is just my own point of view, I have a feeling that much of this stems from uneasiness because this has not been adequately discussed and debated and deliberated upon in Washington.

I think that the legislative branch should have played a more active role in bringing us to the state of affairs we are now in. I recently expressed this point of view on a television program on this subject. So I feel that Congress should thoroughly discuss this situation. The people will be much better off for it.

Finally, when we arrive at a point of view which is a national point of view, we will have the people with us whatever we embark on. If it is a declaration of a state of war, that is what it is.

Morse: It couldn't be anything more, and once it is formally declared, as far as I am concerned I will urge unity behind a declaration . . . .

Morse had taken another opportunity to draw a Committee guest into the constitutional question. On the value issues, however, the exchange was sparse. In fact, as the Wall Street

77Ibid., p. 293.
Journal observed, the hearings could scarcely be called "debates" at this point. The Journal said that both in the hearings and on the Senate floor the tendency was toward a series of public statements, some favoring Administration policy and some against. Subsequent sessions proved to be more informative on value questions; the participants became more dialogical.

The Kennan Session

NBC carried the February 10th hearing with former Ambassador George Kennan. Those who were students of American-Soviet relations and of the Cold War were particularly interested in Kennan's contribution, although his partisans were probably a more esoteric group than Taylor's or Rusk's.

The issues which related to the distribution-of-powers question got an extensive treatment from Kennan and the Senators. They discussed access to information, constitutional aspects, the rectitude of open and critical hearings, the declaration of war question, and America's position in the world. This was in the context of an interesting and authoritative discussion of the war and the internal qualities of Vietnam. Kennan proved to be an excellent witness for bringing greater respectability to the dissident position.

Constitutional Processes

Senator Aiken asked Kennan to enlarge on an earlier remark about constitutional process. Kennan explained his

interpretation of the powers issue:

It seems to me that, no doubt without deliberate intent, and probably with the most worthy of intentions, we have nevertheless involved ourselves here in a situation which, according to the consensus of the Fathers of our Constitution, would certainly have called for a great national debate and a very solemn decision in the Senate as well as in the executive branch. I am not aware that this has taken place. And for this reason I always find myself caught up short when I see the way that this struggle is often referred to today in our public debates: people talk about our living up to our 'commitments', and say we must fulfill our 'commitments' to these people.

Well, these commitments, as we now interpret them, go very far indeed. They go, as I pointed out here, further than the normal military alliance. To commit yourself, in any way, to assure the internal security of another government, means to commit yourself to interference in the most vital process of its own internal political life, and this seems to me a commitment of such seriousness that it should not be lightly or casually slipped into.

Aiken agreed, "I would think that to commit ourselves without limitation . . . is certainly a pretty heavy responsibility for anyone to assume, particularly when processes are provided for for senatorial advice and consent." 79 The feeling that the United States had gone beyond its proper limits in defining and making commitments was given form by President Johnson's meeting with South Vietnam's leaders.

Senator Morse referred to Johnson's speeches and communiques in Honolulu on the occasion of his meeting with the heads of state, Ky and Thieu. Johnson had mentioned winning the war over Communist aggression and had come close to speaking of South Vietnam as a part of the United States.

Morse was incensed: "I think . . . the President exceeded his constitutional power. I think he flaunted constitutional processes, and I do not think that he has the constitutional right to make the commitments that he has made . . . ." The Senator went on to deride "their argument that we are going to stop communism wherever we, unilaterally, decide it ought to be stopped." He identified his position with the preservation of democracy and with the attainment of peace in Vietnam:

I don't think there is any question about the fact of what our present course is, and I happen to think we ought to change that present course. We ought to follow the constitutional processes . . . . I think that in a democracy, if you are going to have full public disclosure of the public's business, you need just this kind of a forum; and this kind of forum, in my judgment, backs up the boys in South Vietnam because it may lead to stopping the killing of them in the increasing numbers that they are going to suffer if we continue to escalate the war . . . ."80

Then Morse included Kennan in his exposition and the following exchange was recorded:

Morse: You have no doubt, do you, that the President admits we are at war in Vietnam?
Kennan: It seems to me this has been said many times.
Morse: By the President. Do you know of any declaration of war against any country in Asia that we have taken through our constitutional processes?
Kennan: I do not, Senator Morse.
Morse: Are you at all disturbed or concerned about the fact that article I, Section 8 of the Constitution hasn't been complied with by the President and by the Congress? The President has sent no war message, as did Woodrow Wilson on the night of April 17, 1917, to the Congress in which he said that he lacked constitutional authority—that is his language—to make war in the absence of a declaration of war, and that Franklin

80 Ibid., p. 402.
after Pearl Harbor, sent a war message to the Congress asking for a declaration of war.

I happen to think the American people are entitled to be told whether we are going to take them into war by a declaration of war and get that debate. That will stir up the grassroots of America.81

Senator Clifford Case was not so sure that a declaration of war was a realistic approach to any modern international circumstance. He suggested that "a certain amount of less-formal procedure" might need to be followed since aggression in the twentieth century was usually more "ambiguous" than a "Pearl Harbor" or "crossing of the Belgian frontier."

He asked for Kennan's response. Kennan replied that there was "great force" in his statement and that it was true that circumstances had altered reality. In Kennan's mind, however, there was a larger issue:

It isn't so much the formal declaration of war that concerns me here. It is the question of whether we have really made up our mind in an adequate way.

It seems to be that the manifestations of American public opinion that we have seen here in this last year, indicate that in this growing involvement the Government, at least, has not yet thrashed out the rational [sic] of what it is doing, has not thrashed it out with the U.S. people in a manner that would relieve my mind as to how the people are going to relate themselves to this in the future.

Kennan continued to explain that he believed a hostile encounter like this one should have "a wide degree of approval—enthusiastic approval" from the public. Like many other Americans in public life, Kennan was uneasy over the state of Executive-Congressional relations in the face of the Vietnam

81Ibid., pp. 402-403.
conflict. Not only was he worried that constitutional propriety might be breached; he also saw that without a more thoroughgoing support from those outside the Executive branch there would be danger of national disunity at a very inopportune time.\footnote{82}{Ibid., p. 419.}

The idea of a declaration of war had a powerful influence on Kennan as well as on the Senator from Oregon. One underlying assumption in the testimony of all the Senators and witnesses seemed to be that the solemn invocations of the worn constitutional process would virtually bring an end to dissent. Senator Gore suggested that holding hearings like those in progress, during a war, "is unprecedented and it may be historic." Kennan agreed. Such hearings, public questioning of wartime policy, would be undesirable if not impossible had war been "duly declared." He said:

> If I would really have the feeling that what we were into now was the result of a truly deliberate and searching exploration of this problem in all the places where it should be searched and deliberated in our society--then I think probably I would prefer not to give my views, even though they were ones that were full of misgivings, you see. I would rather keep them to myself. But I feel that this is our last opportunity, and we ought to use it.\footnote{83}{Ibid., p. 412.}

Just as every day of the hearings brought discussion on the constitutional aspects, there was always concern for whether the hearings were honorable during critical days.
On the Hearings

Senator Gore articulated his position on the function and worth of the Senate Foreign Relations Committee hearings. Along with several other Senators, Gore found the public response to the televised hearings to be impressive. Judging by his comments and those of some of the others, the public response had been largely favorably. But there was still a perceived need to reassure the public and the Committeemen that the hearings were patriotic and productive. Gore led Kennan into a discussion of this issue by asking, "how can the American people exercise their will in the present circumstances?"

In answer to Gore's question, Kennan said that present circumstances were "not exceptional" and should be handled in an open and democratic manner. He said, "It has always been my feeling that the people have to express their will primarily through those of you who sit in the legislative branch of the Government. . . ."84

Kennan had earlier commented on the hearings:

Kennan: It seems to be absolutely essential to the continued successful functioning of our kind of a democracy that we talk things out in the most serious and responsible way.

. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

It is my strong impression that it is not only useful but it is essential, indispensable in fact, to the workings of our democratic system that there be this sort of a discussion, and that the people listen in and draw their own conclusions.85

84Ibid. 85Ibid., p. 387.
The former ambassador believed strongly in open discussion of the controversial issues at hand.

**Access to Information**

In order to exercise the constitutional function of advice and consent, the Congress must have information. The public needs information as well if it is to make judgments on matters of foreign policy. The difficulty has been in knowing just how much information should be provided to maintain national security as well as the democratic process. Restricted access to information has traditionally been used as a weapon by the Executive branch when foreign policy questions have been raised. The Executive has claimed special knowledge based on special information and asked for trust. In the Vietnam discussions all the participants tacitly acknowledged the power issue present in the question, "Who shall have access?" Information is a power tool of which the Senate Foreign Relations Committee coveted a greater measure. One way to handle the problem was for the Executive branch to lay claim to more information than the public usually thought it had. In this way, the Executive could appear more authoritative. McCarthy led Kennan into this position:

In your remarks, Mr. Kennan, you observed that there were a great deal of data available on this question which is not available to you. Do you really think in a case that is as public and confused as this, there is really significant data which may be available to those who are closer to decision than you are or than we are--data which, if it were available, would significantly influence your position in this particular case?
Kennan's reply was that "the public has access, if it wants to read it here, to press coverage which gives it a pretty good idea of what the situation is." McCarthy led the conclusion further: "Then, if you go back beyond 48 hours as a basis for a judgment, we ought not to be frightened off by those who say if you knew what I know." Kennan answered,

No, and if I put this disclaimer into my statement here, it is because I have had friends who profess to a specialized knowledge of Vietnam, who have shouted me down very brutally and said, "You have no right to open your mouth about it. You have never been there, and you shouldn't have any ideas about it." 86

Kennan had an emotional stake in the access to information problem. His pride had been ruffled by some who shunted his opinion aside on the basis of his lack of information. He compensated by actually suggesting that there was really no important secret information to be had.

Reaction

Most of the open public reaction was positive. The New York Times was enthusiastic: "If the Senate Foreign Relations Committee had heard only General Gavin and Mr. Kennan its inquiry into American policy in Vietnam would have been worthwhile." 87 At his news conference, the President was more reserved. He said of the hearings, "they haven't done any harm to anybody." He believed there was little difference between Gavin, Kennan, and the Government. "No one wants to

86 Ibid., pp. 373-74.
escalate the war and no one wants to lose any more than is necessary. No one wants to surrender and get out. At least no one admits they do." The President was open to suggestions, "we will be glad to consider what any Senator says."\(^88\)

The public poured letters, telegrams and telephone calls into the offices of the Committee. Senator Fulbright reported that his mail was running thirty to one against expansion of the war and a similar ratio in favor of the hearings. He had five thousand favorable letters and 170 unfavorable. A man wrote that he had "stomached about as much as I can of the pious and profound statements coming out of the Senate Foreign Relations Committee and from numerous Senators in the majority party" who have allied with "beatniks, the professional murderers, the civil rights workers, the Communists and draft dodgers." A number of correspondents encouraged Fulbright to insist on McNamara's appearance before the Committee: "Certainly if American boys can die in Vietnam, McNamara should explain in public."\(^89\)

On February 12, ten thousand Administration supporters braved the rain to attend a rally at which Secretary of State Rusk spoke. The organizers hoped to have a national series of such rallies.\(^90\)

The Committeemen constituted an important audience for the hearings; the total campaign may have affected them more

\(^{88}\)Ibid., February 12, 1966, p. 8.  
\(^{89}\)Ibid.  
\(^{90}\)Ibid., February 13, 1966, p. 2.
extensively than any other single group. But at this point, intransigence ruled the day. Senator Russell B. Long was one of the most vehement critics of the hearings. As a member of the Committee, he expressed his opinions early in the hearings and then separated himself from any involvement. On February 16, Senator Long delivered an angry speech to the Senate. Accentuating his remarks with vigorous gestures, he said that "very high sources" had told him that critical Senators were aiding the North Vietnamese. He said,

I maintain that speeches on the floor of the Senate and on television advocating that our boys not fight for their country and that the people back off from the effort to help their country, handcuff our fighting men and hold our country down when the going gets tough, do nothing but encourage the Communists to prolong the war.91

Journalist Arthur Krock saw the hearings as the Senate's way of trying to escape a serious dilemma. While they had been led into the 1964 resolution with a provision that they could rescind, to do so during a war would be political suicide and would aid the enemy. He wrote,

Their only exit from this predicament is open Senate discussion. And that is what the floor debates and the Foreign Relations Committee hearings are providing. This is their importance. And their constitutional warrant is fortunate for a people who have been drawn by Presidential powers and policies deeper and deeper . . . .92

The idea that hearings were primarily a safety valve for


dissent did not have much support from either side. Each seemed to regard itself as being committed either to retaining or attaining influence in foreign policy.

The Committee's most obvious attempt at education was one of the outstanding sessions of all the hearings since 1964. Kennan's reputation lifted the power struggle out of what was becoming a partisan reaction. His official position was neutral but he added respectability to the dissident Senators' position. Now they would have to turn back to Administration spokesmen for two more session.

The Fourth Session

The February 17 session was with Maxwell Taylor, an Army General and former South Vietnam ambassador. Taylor conducted himself with restrained self-assurance and he was later described as the Administration's "most effective witness ... urbane, impressive." He was recognized as a scholarly soldier and an authoritative observer of Asian affairs. The Committee questioned him closely, running up against his superior knowledge of the situation and making little substantive progress in denting the Administration's war position. Perhaps that is why the value issues were so vigorously attacked.

Senator Morse was left trembling with indignation after tangling with Taylor in one of the most spectacular exchanges of all the hearings. Morse began slowly in his dry,

expressionless voice:

You know we are engaged in historic debate in this country. There are honest differences of opinion. I happen to hold to the point of view that it isn't going to be too long before the American people repudiate our war in Southeast Asia.

Taylor: That, of course, is good news to Hanoi, Senator.

Morse: That is the answer you militarists give to those of us who have honest differences of opinion with you. But I don't intend to get down on that level and engage in that kind of debate, General. I am simply saying that in my judgment the President of the United States is already losing the people of this country by the millions in connection with this war in Southeast Asia. If the people decide that this war should be stopped . . . are you going to take the position that is weakness on the home front in a democracy?

Taylor: I would feel that our people were badly misguided and did not understand the consequences of such a disaster.

Morse: Well, we agree on one thing, that they can be badly misguided. You and the President in my judgment have been misguided for a long time in this war.

At that the youthful spectators in the chamber erupted in applause and shouting. But Fulbright despite his steadily increasing sympathy for the Morse point of view, rebuked them severely and asked that there be no further outbursts.94 The presence of so many spectators doubtless added to the electricity of this session. The wives of Senator Fulbright and Secretary McNamara were there, as well as those of several other Senators. The audience was mostly college-aged, the larger number being anti-Administration.95

Nor was the foregoing exchange Morse's only angry response during this session. Indeed, rarely had he been more


irascible. As he was grilling Taylor in the afternoon, Senator Long interrupted to introduce a point of order. But Morse, refusing to yield the floor, said: "I am sure you don't agree with me at all. Wait until the country gets through with you and the policy in regard to Vietnam, and you will see what the agreement is." Again, Fulbright had to call for order. Later that afternoon, Senator Case chided Morse good-naturedly about his "bristling" remarks. Morse replied, "I just expressed respectful righteous indignation."97

Taylor and Morse succeeded in having one civil encounter on a value issue. The arguments were more developed and rational but they were on a highly stimulating topic for Morse--the constitutionality of the 1964 resolution and the possibility of a declaration of war. Morse began with a lengthy statement on the rightful place of Congress in the initial decision on war. He charged that constitutional processes had not been followed and asked, "Do you believe that it is proper to involve this Nation in a war without a declaration of war?" Taylor argued that the United States had gone into military action without a declaration of war on a number of occasions. He stressed that Congress had always been brought into the discussion and emphasized his personal role in the "complete consultation" which the


97Ibid., p. 530.
Executive had given the Committee. Morse was not satisfied: "What was legal about it? What was legal about taking this country into war without a declaration of war?" Taylor mentioned the SEATO treaty as justification which gave Morse an opportunity to express his astonishment: "That is one of the strangest arguments I ever heard, that the commission of a series of wrongs makes a right." He continued:

Now the fact is, in my judgment, this President of ours cannot justify under the Constitution sending a single American boy to his slaughter in South Vietnam without a declaration of war. And that is the issue the American people must really draw with this President. I happen to think that we are illegally involved in this war, without a declaration . . . .98

Senator Fulbright took umbrage at one of Taylor's statements because he thought it was a "possible reflection on the value of these hearings."99 But it was the reluctant critic, Clifford Case, who championed the cause of the hearings. He took his stand as one who was not yet sure whether the Administration was right, "but who wants to be persuaded very much that it is right." He was neither suspicious, he said, of objectives nor was he doubtful about the morality or the legality of the Administration action, "But I wish we had this set in the open a little more clearly," he said. "There should be an Administration statement, and it ought to come from the President frankly."100

Case, like many other members of the Senate, was concerned about the eroding legislative influence in matters of foreign affairs. He spoke to the issue while Taylor, the Senators, spectators, and viewers listened:

Senator Morse blew up this morning when somebody suggested that we shouldn't raise these questions. I don't have exactly the same approach as the Senator, but I am equally concerned whether we are getting into a situation that is beyond our control, and getting into a situation in which the responsibilities of the Congress of the United States are being handed over to an executive and there is not upon our own Government the kind of check that the Founding Fathers thought would be a good idea. This is involved in the inquiry that we have right now.101

Case enlarged on the function of public hearings in a democracy:

I am troubled by any suggestion that any question raised is weakening American efforts abroad. Americans cannot support any policy that they don't believe in and they can't believe in any policy that they don't understand. And the only basis on which a democracy can demonstrate its determination is first understanding what the policy is all about, and not by being told, "Don't raise questions about this because our boys are going to be hurt."

Nobody is going to hurt our boys, consciously or unconsciously, and the only harm that we will do up here is not to pursue this to the point where everyone substantially finds himself in general agreement because things are so obviously right.102

On the other side of the question, there were those who were anything but advocates of questioning such distinguished men as Maxwell Taylor in public. Symington was embarrassed and apologetic about the proceedings. He said to General Taylor: "I am sorry, speaking not only as a

101 Ibid., pp. 529-30.  
102 Ibid.
Missourian but as an American—very sorry for some of the things that have been said here today, I am proud of you and I know millions of Americans are too." But Morse continued in his remarkable assumption that the American people were swinging around behind his basic opinion. In one answer to Symington he said:

We are going to let the American people determine their foreign policy. I am highly critical of my administration and of the people who have been advising my administration. They are leading the American people into a war that, in my judgment, they never should have led us into. I only want my friend from Missouri to know that is my position. I am sure he will be on the other side in that debate, and we will abide by the judgment of the people.104

Senator Russell Long was as emotionally involved as Morse in the session, although he participated less. He provided a perspective on the apparent connection between the willingness to overlook the constitutional issues for the sake of defeating communism. Speaking to General Maxwell Taylor, Long said, "General, I hope that the President will answer . . . very affirmatively in line with the resolution we gave him, I hope he will put in whatever troops are necessary to resist aggression." He turned his determined rhetoric on the enemy:

I hope we will tell this bunch of Communist assassins we are not going to let them get away with this, and I hope that the answer is whether it is North Vietnam or even China, we will fight these people and do whatever is necessary to fulfill our honor and our word. That is how we have done it in the past.105

103Ibid., p. 531. 104Ibid., p. 548. 105Ibid., p. 552.
If Senator Morse and others believed that Americans were turning against the Administration and its war, his faith did not influence President Johnson's conviction on the matter. The White House released its report on the closely-watched pulse of America, saying that a clear majority supported the Johnson war policies.\textsuperscript{106} And regardless of the dust raised by numberless demonstrations around the country, a questionnaire sent to 44,000 college students in the Washington, D.C., area revealed that most favored Johnson's policies. Nearly thirteen thousand responses were received to the question, "Do you favor the Administration's present policy in Vietnam?" Over seventy per cent answered affirmatively.\textsuperscript{107} Some who were against the war probably saw the hearings as a fast way to inform the public and change its mind. As the country went into the last session with Rusk, the facts of what the public thought must have been disappointing to those who hoped for immediate change.

\textbf{The Final Match}

On February 18, Secretary of State Dean Rusk appeared before the Committee again. The Administration felt its case had been bolstered by General Taylor, so Rusk approached his opening statement with the dogged confidence by now so


familiar to the Senators. He restated five points which he said were the foundation of United States policy in Southeast Asia. Fundamentally they said: Aggression is taking place against South Vietnam, the U.S. has commitments to South Vietnam and the world to prevent aggression and maintain peace, and the U.S. keeps its word.108

The Senators, feeling the pressures of time and a pending vote on AID, pursued the Secretary of State through six grueling hours. But Rusk remained calm throughout. He tried everything at his command to assuage the Committee, "assertiveness, simplification, colloquialisms, a touch of humour, plenty of 'sir'."109 They questioned him on constitutional issues, the 1964 resolution, the meaning of their votes for AID, the role of open discussion and the declaration of war questions. There was patriotic oratory and discussion of America's world position. The interest generated in the encounters prompted millions to give up their usual afternoon television fare to watch the Committee proceedings.

The Legal Issues

It is instructive to note that the Secretary was not intimidated by Wayne Morse, who was in his usual form that day. He asked Rusk whether he believed the Senate


would have approved the Tonkin resolution had it been suggested that hundreds of thousands of American troops would be sent to Vietnam. Rusk fell back on the literal text of the resolution. It was his impression from having talked with congressional leadership that they understood what the resolution meant. He concluded, "I doubt very much that the vote would be substantially different." 110

Morse could only threaten, don't forget that that resolution also contains a recision clause, I think the American people are entitled to have a vote on the recision . . . I intend to offer it as an amendment . . . . Even a vote to lay it on the table will be a vote on its recision.

Rusk impassively replied, "Yes, it is quite true that that resolution can be changed by a concurrent resolution . . . ." 111

The Oregon Senator was a purist who not only opposed the Administration requests for AID funds on the grounds that a vote for AID would be a vote for escalation, but also challenged the position of the Committee Chairman:

I do not accept the position of the chairman of this committee that, if you vote for this, you are not in anyway voting upon the policy issue that is involved here; to wit, are we going to continue to escalate this war if the North Vietnamese and the others follow their course of action?

Then he would not let previous comments suffice; he wanted another round with Rusk. He asked, "If I vote for this


111 Ibid.
bill . . . would I not be voting really for whatever program of escalation is included . . . for the future of this war through the funds that are provided for therein?" Rusk's answer was more direct than before: "Now, I would suppose, Senator, that a vote for this appropriation would be voting for a support of policy to resist, to prevent, aggression in Southeast Asia." He referred to the Southeast Asia resolution of 1964 as the policy's foundation and then he tied his logical knot:

I am sure you understand me, sir, when I say that that is the law of the land as far as the Secretary of State is concerned. The President is carrying out the most formally stated and declared policy of the United States, involving both the executive and the legislative branches of the Government.

Morse could not agree and announced that he would vote against the bill "because the only check, one of the best checks we have, is to say we are not going to finance it." 112

Senator Fulbright also questioned Rusk on the same dilemma; how to support AID without seeming to support unreservedly the military policy which went along with it. It should be noted that the division of powers issue becomes very acute at this point. As Morse said, the Senate's greatest lever in foreign affairs is the "power of the purse strings." Administration programs would be sharply curtailed and even eliminated without

112Ibid., pp. 292-93.
congressional funding. In this case the Administration had
managed to place Congress in an embarrassing position.
Senator Fulbright stated the Administration's plan: "Mr.
Secretary, you said that one of the components in the commit­
ment to Vietnam, was approval by Congress each year of
the AID program. You repeated this in a speech in Las Vegas
on Wednesday." After hearing Rusk's answer, he continued,
"Then, in case I do not approve of the policies being follow­
ed in Vietnam, I am forced to vote against this authorization,
if I accept that as a proper interpretation, wouldn't I?
I don't wish to do that."\textsuperscript{113}

Secretary Rusk was not sympathetic. Indeed, he
pressed the Administration's battle even harder: "Mr.
Chairman, you and others would want to consider very seriously
the declaration of policy which the Congress itself . . .
made in August 1964." He proceeded to quote parts of the
resolution which affirmed the vital nature of U.S. interests
in Southeast Asia and which authorized the President to
"take all necessary steps" in defending those interests and
the resolution with the SEATO Treaty, approved in 1955,
and concluded, "So I would hope that you would take into
full account the continuity of policy, and the problem of
turning aside from that policy under present conditions."\textsuperscript{114}

\textsuperscript{113}\textit{Ibid.}, pp. 581-82.  \textsuperscript{114}\textit{Ibid.}
When Rusk presented his logical arguments, the burden of proof weighed heavily on dissident Senators. It can be said that at this point the Administration, with more facts and greater foreign policy expertise, had the stronger position. The strongest arguments held by the Senators were value-centered and were constantly restated. Legality, truth, access to information, the worth of open discussion, etc., provided the Committee's only real leverage issues.

Among several of the Committee members there seemed to be a willingness to hand all real power functions over to the Executive in matters of foreign policy, but they wanted to retain the privilege of being informed, of "consultation." The Administration witnesses never seemed uncomfortable when this was brought out, confusing though it was to strict constructionists like Wayne Morse. Senator Case, for example, made a perceptive, but undisturbed exposition of this position when he said that it would be a mistake to assume that the 1964 resolution put "the Senate and Congress . . . out of the picture now and that the President has a completely free rein." He warned that the near-unanimity in the vote on the resolution was only "an expression of confidence in the President in the immediate situation, and not a power of attorney irrevocably delegating all of the congressional authority to the President for whatever period the President may see fit . . . ." Then he made the astonishing claim: "We are trying to find an effective substitute for the 'declaration of war' provision
Such an assertion was unusual for the hearings where Senate spokesmen generally either insisted upon a strict interpretation of the Constitution, a declaration of war which would stimulate debate and rejuvenate Congressional authority, or they skirted the constitutional issue entirely. Case saw as the only alternative "the practical one of working together continuously and certainly as matters began to change or turn or assume a different posture." Case may have envisioned a situation in which the Executive would allow considerable legislative influence without the use of formal sanctions. But Rusk clung to a narrower view of legislative function, overlooking the questions of legislative influence:

Senator, obviously when the Congress passed that resolution of August 1964, it did not go out of business, and the executive and the key congressional committees and the leadership have kept in, if I may say so, very close touch in the development of this situation since. I know of no situation in my memory where there has been more frequent and more intensive discussion between the executive branch and the Congress and its key committees and leadership than has been true on this subject of Vietnam.115

Clearly this was a pragmatic philosophy of relations between the Executive and Legislative branches of government. It was a "squeaky wheel" philosophy where the Legislature could complain and threaten and the Administration apply lubrication by the process of discussion, but the vehicle of foreign policy would continue in roughly the same direction.

115Ibid., p. 618.
And many legislators were ready to assent to a minor role in the policy-making process. Others, those who were particularly interested in public hearings, hoped to wrest some influence away from the Executive through a rhetorical campaign.

**Open Discussion and Patriotism**

Senator Gore felt the need, on the last day of the hearings, to affirm his support for Americans already in Vietnam. The members of the Committee sensed the outer limits of acceptance in the dissident position; they were careful not to tamper with the traditional American pride in "the boys overseas." Gore said that "in view of some of the statements that have been made" he wanted to remind everyone that there was "no question at all involved in these hearings about support or nonsupport of American forces in Vietnam. They are there, not upon their choice but upon the orders of their Government." He said that he would vote for every penny requested to ensure their safety.\(^{116}\)

It may have been the fear of being misinterpreted on this point that kept most of the Committee members relatively innocuous in the dissenting opinions they expressed.

During the last session, Rusk felt compelled to assure the Senators that he believed in the importance of "free discussion, free debate, dissent" but he felt that

\(^{116}\text{Ibid., p. 605.}\)
Hanoi should realize that discussion did not mean division.
Senator Mundt asked whether Rusk hoped for more unity. The
Secretary answered wryly: "Well, it is a little hard to
expect a score of larger than 504 to 2, Senator." He went
on to say that he hoped the "degree of consensus would not
be seriously changed in the course of our present
discussion." Mundt had something else in mind. He
believed there would be greater unity if the President
would update his position before Congress. Not that Mundt
felt trapped--as did some of his colleagues--by the 1964
resolution, but "some confusion has developed since then."
He spoke strongly for greater Congressional participation:

I believe that a statement prepared along the line
of the one that you have so carefully and constructively
presented this morning would have a great affirmation
to the country and an affirmation, a reaffirmation, if
you please, in Congress. We have had it said and it
has been said over and over again--but I think better
than saying some of it in the rose garden and some of
it on the roof garden some place, it is better that it
be said in Congress and debated on a positive approach.118

Even some of the most conservative Senators were
becoming disenchanted with Johnson's practice of informing
Congress on a one-to-one or small group basis. Mundt would
concede the correctness of the President's stand and may
have heard an update in the White House rose garden, but he
was afraid the President would lose his consensus with the
practice.

117Ibid., p. 609. 118Ibid., p. 610.
For all of Church's articles and interviews, he was still an avowed supporter of the presidential institution and was a believer in Johnson's good intentions to regain peace. He, too, wanted the world to know that "the purpose of these hearings is to give no suggestion of disunity, or lack of congressional resolve when it comes to supporting American forces in the field." 119

If the exchanges between anti-war Senators and the Secretary of State brought out Rusk's penchant for retreat behind a mask of businesslike confidence and a reliance on the strictly legal aspects of Administration policy, his response to Russell Long's jingoistic rhetoric confirmed it. Long, the most unsophisticated hawk on the Committee, said that he would never have thought that the United States should send troops to Southeast Asia but for the SEATO treaty, the Gulf of Tonkin attacks, and the 1964 resolution "encouraging the President to do whatever is necessary." He would now do anything to "defeat that little backward force" and he was concerned about the concept of a limited war:

If you are going to send these boys, Mr. Secretary, let them fight. Don't send them over there with their hands tied behind them . . . . If the 1st Division has to pull Old Glory down a flagpole it is going to be because somebody over here made a mistake not somebody over there.

If we passed a resolution and only two members voted against it, and said the President should do whatever is necessary, then I would like for you to assure us that you are not going to leave those boys

119 Ibid., p. 614.
over there to fight without the help they need when they fight.

Rusk's reply was low-key: "Senator, I think anyone who knows our Commander-in-Chief as well as you do would not need that assurance from the Secretary of State." When Long persisted, Rusk said, "The Commander-in-Chief is going to take care of that problem."120

Long pursued the patriotic theme, trying to make Rusk comment on an unusually warm reception he had received at an American Legion convention. Rusk did not follow that line of questioning. Then Long said he wanted to call the commander of the Disabled American Veterans, the commanders of the American Legion and VFW before the Committee. Then he veered off on one of the Committee's few references to peace demonstrations:

I have a paper here that shows in these so-called peace demonstrations we have been having—not in the front of them but always in the crowd—there is a bunch of Communists. They are the guys who lead the applause and start the cheering going for the speakers and sometimes they are the speakers themselves.

Perhaps he was deriding the hearings process when he remarked, "If these Communists want to come testify, I will be perfectly content to hear them, but those are the people we have been hearing so much about."121 At this point Secretary Rusk made one of the most moving statements of the whole series. He said that while he opposed rescinding the 1964 resolution, he would be willing to have a 1966 resolution under extreme

120 Ibid., pp. 599-600. 121 Ibid., p. 600.
circumstances. It was not clear whether he was referring
to the Southeast Asia resolution or to the supplemental AID
request when he encouraged the legislators, before voting, to:

   go into a quiet corner and think very long and
deply about what we have been through for the last
three decades, four decades, and on what basis we
have any chance whatever to organize the peace in
the world--on what basis we can build a peace--and
then decide which vote is a vote for war and which
vote is a vote for peace.122

Rusk then used a historical example in which he had
some personal involvement:

   I was an undergraduate at Oxford Union on the night
in 1933 of the great debate on the motion "that this
house will not fight for king and country." That
motion was moved by the philosopher, C.E.M. Joad, with
great brilliance and humor. The motion passed. That
motion was quoted by Hitler as an indication that
Britain wouldn't fight and therefore his hands were
free to pursue his ambitions.

   But just a few years after that debate C.E.M. Joad
issued a statement saying to the young men who were
in the Union . . . "Sorry, lads, but this fellow
Hitler is different. Now get out there and fight."

   And a battalion of the Black Watch charged Nazi
Panzers at Dunkirk with naked bayonets in order to
help a few . . . comrades get off the beach.

   America was not well prepared to meet the threat,
Rusk said. He reminisced that the company he commanded
had only wooden tubes, not the mortars they were supposed
to have. His point was that it was important not to forget
about the significance of preparedness and foresight in
international affairs. He continued, placing the fate of
world peace in the actions of Congress:

   122Ibid., p. 619.
How do we organize a peace? Do we do it by saying to those who would like to commit aggression, "No, it won't work. You have got to live in peace"? Or do we say, "Well, maybe the next bite will be satisfying and he will be quiet"? Maybe we will say, "If we will get out of his way, maybe he won't be too rude and too mad".

I must say, I think these issues are very far reaching, but I do hope that the Congress will review them and vote—and vote and help us make this decision. It is a joint responsibility.123

Rusk ended the hearings as he had begun. The New York Times was critical of the Administration but impressed with the style of the Secretary of State. He was called "a man of fortitude and forbearance: who appeared "decent, dignified, circumspect, self-controlled and self effacing." He was "careful and controlled throughout" the hearing.124

The hearings passed into history.

Evaluation

At this stage, many were sympathetic with Congress and, unlike the Administration, felt it should have a stronger voice in decision-making. However, like the Administration, they seemed to think Congress was like a great wounded animal—helpless. James Reston, for example, wrote that "the Senators cannot really do much about it which accounts for all the frustration they have demonstrated on the TV screens in the last few days." The helplessness of Congress was compounded in time of crisis when the President, "if he chooses his time carefully can obviously get almost any

123Ibid., pp. 619-20.
commitment he likes from the Congress." Then those commitments must be fulfilled or the American system is in jeopardy.125

The Wall Street Journal editorialized that throughout the series, the Fulbright claque would not deal with the true Administration policy. Instead they chose to say that the Administration wanted "unconditional surrender" of the North Vietnamese.126 Time said that more than thirty million Americans had watched the hearings. The hearings had probably aroused interest, Time said, and unintentionally buttressed the Administration's contention that Vietnam "is a necessary war."127

The hearings were not viewed by any segment of the press as being greatly significant. There was little evaluation, little criticism, and little praise for the Fulbright Committee's work. How, then, are they to be evaluated from a perspective of several years? The 1966 hearings with Rusk are still viewed as the most influential series by staff and Committee alike, according to information gathered in a telephone interview with Dick Moose, a Senate Foreign Relations Committee staff member. But the effects were certainly not immediately apparent; the war escalated steadily and the Administration neither grew more

respectful toward dissident Senators nor did the President share his decision-making process any more than in the past.

These hearings must be viewed as the initial plunge into a campaign or movement, not as a single rhetorical statement whose originator expects some immediate results: It is doubtful that Senator Fulbright or his colleagues believed their objectives would be quickly realized, but it is also unlikely that they envisioned the years of similar attempts still to come. Any rhetorical goals which may have been harbored appear to have been the deterrence of further involvement without the approval of Congress. At the end of the February, 1966, hearing, the Senate Foreign Relations Committee was left with its goals intact.

The Committee's achievements were the result of the communication-persuasion process. Until the hearings were held, Americans had largely avoided consideration of the war. The television news coverage took strange and sudden proportions, giving the people little time or desire to understand the meaning of what was happening in a place they had never heard about. One evaluation suggests that the principal worth of the hearings was that "what had been a remote and theoretical discussion took urgent form right in the living room." There was a resultant "national soul-searching" and reaching for alternatives.128 This certainly applied to more than the substantive war issues. If only by

implication, the public must have been impressed in a dramatic way by the possibility of defying the wisdom of the most powerful man in the world along with the members of his organization.

There was a formulation of arguments for both sides of the question. This statement by Robert L. Scott is of value here:

As a kind of process, invention takes place in a field of persons interacting, each necessarily from his own perspective at any moment, by communications. What agent or speaker or audience or subject matter or other terms mean is derived from their roles and interaction in this process.129

The dialogue served as an invention process both for subsequent attempts at justifying or condemning the war's merits and for later arguments on the Legislative-Executive sharing of foreign policy power. Indeed, after these hearings and until the repeal of the Gulf of Tonkin resolution in 1970, there were no substantial modifications in arguments on either side.

Finally, although difficult to document, the 1966 hearings transformed the amount and image of dissent. The limited amount of public disagreement which had gone before grew rapidly, both institutionally and in the streets. Dissent was given a national platform. Conflict with the Executive over his carefully guarded and sacred rights in the area of foreign policy took on a measure of

---

respectability; no longer were the only dissidents wild-eyed marchers: they wore business suits and spoke the language of middle America. And the hearings probably provoked further dissent just as The Nation predicted: "The hearings will stimulate the mounting popular opposition which, in turn, will feed back to the Congress. There is bound to be an interaction between Congressional opposition and popular opposition."

Perhaps the most important way in which the public stimulated Congress was to encourage the Foreign Relations Committee to hold more hearings. None of the subsequent hearings before the Policy Proposals hearings of 1970 were to be as significant in the public mind; they constituted a part of a rhetorical campaign. These remaining hearings constitute the following two chapters.

CHAPTER V

1966 - 1968: RHETORICAL IMPASSE

The two years which followed the 1966 hearings were difficult ones for the Committee. During the summer of 1966 there was a decrease in general dissent and in Committee activity. Fulbright delivered his lectures on "The Arrogance of Power," gaining some national interest. But the dialogue did not resume in earnest until August.

In this chapter, the Committee's difficulty of maintaining rhetorical goals will be explored. Each hearing will be allotted a section with evaluation contained within each section. The following hearings constitute the subject material for this chapter: "The "News Policies" hearing of August 16, 1966; a session with Henry Steele Commager on American attitudes about foreign policy in March, 1967; an April 26 encounter with Secretary of State McNamara in a hearing on troop strength in Europe; July 1967 hearings on foreign aid; August, 1967 hearings on national commitments; an October session on Mike Mansfield's proposal to submit the Vietnam Conflict to the United Nations; a stormy February, 1968 session reviewing the Gulf of Tonkin events; and the televised hearings of March, 1968.
Each of these sessions contained important statements on familiar value themes. The sharing-of-power problem was discussed as were secrecy in government and the role of discussion in a democracy. It should be noted at the outset that the two years about to be discussed were relatively sterile in the development of new arguments on the value themes. Each hearing was built around a different subject and the substantive issues were sometimes thoroughly discussed, but the power concerns of the Senators remained the same.

**News Management**

The second set of hearings in the rhetorical crisis period took place in the month of August, 1966, five months after the televised series. These hearings dealt with the truth of news reporting from Vietnam. Arthur Sylvester, Assistant Secretary of Defense for Public Affairs, was the main Administration witness. Although the hearings received little press notice, some important questions were at issue.

The Department of Defense was accused of suppressing the truth in its handling of reporters in Vietnam. These sessions are significant to this study because of the value implications of some of the statements. In a struggle for political control, the access to vital information is coveted by all sides involved. The right to know, in a case like the sharing-of-powers struggle, is more than an abstraction; it is a tool. Wartime management of news is usually expected and accepted but this war was different and the connected
issues were different.

When confronted with evidence that he had taken a cynical view of truth in informing the media, Sylvester denied that he had ever said a government had the right to lie. He attempted to clarify:

When any nation is faced with nuclear disaster, with the life of its people at stake, the representatives of those people do not immediately tell all the facts to the enemy merely to respond to a news inquiry. That and that alone is what I have talked about . . . . No government official ever has the right to lie, but he always has the duty to protect his country.1

Although far from an absolutist view of truth, the explanation was not lost on the Senators. The entire series on news policy was characterized by a circumstantial view of truth, both from Senators and Administration spokesmen. Members of the Foreign Relations Committee were seasoned in an atmosphere where personal and institutional interests were protected by means of modified truth. One of the Defense Department guidelines for reporters in Vietnam hinted at the need for institutional protection. It said, "A man who has been hurt has the right to suffer in private." The press should be careful not to intensify military difficulty.2

Views of Telling the Truth

There was an apparent connection between opposition to the President's military policy and opposition to news


2Ibid., p. 75.
management. Conversely, the hearings reveal that those who upheld Johnson's policy were on the defensive about news management. Senator Frank Lausche was a strong Johnson supporter and he explained his rather inconclusive views on truth. He told of reading a segment of Boswell's book on Samuel Johnson where:

The discussion revolves around whether you are ever justified in telling a lie. A number of them were in the discussion. One of them said there are times when telling the truth is hurtful and wrong. Johnson took the position that telling a falsehood is always wrong. One other raised the question, is it proper when information has been given you confidentially to tell what has been said to you? Johnson says that you are not to tell.

Then the climax is reached, if you do not tell, you imply that what has been asked is true. This subject of telling the truth has been one that has not only come into existence in Vietnam, it has been with people through the ages. I think many of us have different views. I am one who believes there are times when a lie is a better thing than the truth, especially if you are going to cut into the flesh and into the soul of someone unnecessarily. That is a white lie. I believe, of course, implicitly in telling the truth and our country will be better off if it does tell the truth.  

On the other side, Senator McCarthy opposed both the war and news management. He referred to the McNamara statement of February, 1966, on North Vietnamese troop strength in the South, indignant that McNamara kept revising the figure upward without revealing any different sources of information: "I think he should have said in February that we do not know how many, that we are going to resume bombing whether it is going to have any effect or not. But this is the approach used.

---

3Ibid., August 23, 1966, p. 82.
which has led to what we refer to as the credibility gap."\(^4\)

Senator Clark revealed his growing disenchantment with the war in a flaming statement on the news situation. He called U.S. news policy in Vietnam "barbarous, revolting, manipulated, lacking in candor, and largely responsible for the growing gap in credibility as to the point of view of the Administration." He continued,

"I thank God for the free American press, for television, and for photography which, despite official policy, is keeping open to the American people a reasonably good flow of information as to what is actually going on in Vietnam. I congratulate you on one thing, and that is that you have not yet imposed censorship.\(^5\)

The expectations of Committee members were determined, in part, by their views on truth. The more pragmatic personalities seemed willing to live with some ambiguity in Administration pronouncements. Those who were more idealistic interpreted Administration pragmatism as cynicism.

**Truth and the Committee's Function**

During the News Policies hearing, Fulbright related to the Senator's right of being fully informed to the Gulf of Tonkin resolution. He asked Sylvester whether there was a difference between the news which a Senator and the Secretary of Defense received. Sylvester equivocated. Fulbright politely asked why the Administration would not appear in a public hearing on American involvement in Thailand—"I am very curious about Thailand." Sylvester hurriedly asked the

\(^4\)Ibid., p. 101.  \(^5\)Ibid., p. 108.
Senator not to bring it up in public. Fulbright then got to the point:

You see this is what really presents me with a great dilemma. I feel I was led into the Tonkin Gulf resolution, and I have only myself to blame for it because I should have been more intelligent, more foreseeing, and more suspicious, but I was not and I fell for it. Now we are faced with what looks like a repetition—by that I mean, faced with a fait accompli, a situation that we have to take. If I have any responsibility at all as chairman of this committee, I think we ought to know what we are getting into and to have an opportunity to express our opinion about it. I do not know what other function this committee and the Senate should perform in the field of foreign relations unless it is to give some kind of opinion and advice. Certainly we were not created and are not paid to be a rubberstamp. I do not want to be a rubberstamp if I can help it.

He thought that either the Administration should take the Legislature into its confidence or the pretense of an "advise-and-consent" relationship should be discarded.6

Fulbright took an important step when he connected his assent to the 1964 resolution with insufficient information. The time was not right to voice all his suspicions about the Tonkin events, but he was ready to say that he would have acted differently with knowledge of the complete set of circumstances.

There was a delay of several months before the Committee continued its investigation. Those months brought an increasing commitment to the war with very little encouraging news for opponents.

6Ibid., pp. 107-108.
A Scholarly Session

In late February, 1967, the Administration was fully committed to the Vietnam struggle in fact if not legally. There was still confusion; the bombing went on but there was no agreement, even high in the Administration, as to its effect. It was difficult to think of the war as being one of limited objectives when President Johnson was telling audiences, "We've reached a point where all the King's horses and all the King's men are not going to move us out of position." There was actually a stronger public consensus than before. The percentage had risen among those who believed the U.S. should maintain pressure and continue the bombing. A Harris poll reported that fifty-five percent opted for staying in, and sixty-seven percent wanted to continue bombing. A small percentage occupied the extremes of escalation or de-escalation. The consensus was not for the President, however; fifty-three percent disapproved of the way he was handling the war.

The Scope of Dissent

The Committee was not prepared to concede the fight. Senator Fulbright, a former university professor and president, showed a preference for scholarly seminars over vigorous debate when he invited Professor Henry Steele Commager to

---

appear in March, 1967, before the Committee on "Changing American Attitudes in Foreign Policy." Commager commented about public opinion among students and intellectuals. He said that:

the great majority of students are on the sidelines, are somewhat apathetic toward all public issues. And . . . the vocal students and the intellectual leaders of the student community are highly critical of our current Vietnam policy as the intellectual leaders of the academic community are.

He went on to generalize that he did not "know any war in our history where the hostility was so deep or so widespread among intellectuals . . . as it is here and now."9

The Legality Issue

Wayne Morse was first to ask Commager for a legal opinion on American obligations. Commager said that he believed the war was not justified by any treaty or resolution and addressed himself to the Southeast Asia resolution: "I very much doubt that what we have done since the passage of that resolution was anticipated by those who drafted it or those who voted upon it, but not even the resolution itself seems to me to provide a sound basis for our bombing. It does not authorize the United States to do anything it pleases . . . ." He thought that even the American actions following the Tonkin incidents were "excessive."10

The general topic was pursued further and became more directly related to the distribution-of-power problem. Unlike

---


10Ibid., pp. 18-19.
the Senators, Commager did not engage in obvious advocacy but he held a qualified position which bolstered Morse's case. Morse asked whether the President could constitutionally wage war without a declaration. Commager referred to the fact that such precedents had been set since the Constitution was finalized: "Over the years and the decades there has grown up a body of precedent which appears to have justified Executive action which, in effect, may involve the United States in something very much like war." After specifically citing the Civil War, and the intervention in Mexico, Commager went on to say that it had happened on thirty to forty occasions. Then he entered into the philosophical problem:

Whether it is desirable that the Executive have this power or not is a very difficult question. But what we have here are two things which are often in opposition. One, what appears to be the intention and the will of the framers; namely, that the authority to declare war was lodged in the Congress. And, second, that circumstances of history often require decisive Executive action without waiting for Congress.

It did not, I think, occur to members of the Convention that there would be a difference between declaring war and making war, but that is one which has grown to enormous proportions over the years.11

He called for a "full scale discussion" nationally on the problem and the proper role of the people's representatives in determining foreign policy. He allowed himself some personal observations:

We have, to my mind, drifted into a situation which is fraught with danger, one where the shift has gone a long way from declaring to making war, and where, by a series of unforeseen, and, perhaps unforeseeable processes,

11Ibid., pp. 20-21.
declaring war has all but evaporated, and making war has taken its place and where, therefore, the center of gravity has shifted at first imperceptibly but now quite decidedly to the executive branch.\textsuperscript{12}

To Commager, the responsibility for the problem did not all lay on the Executive:

It seems to me that the responsibility for that is . . . as much on the Senate as it is on the executive branch of the Government, and that what we have witnessed not just now but in the past is something very close to an abdication of the congressional authority in this realm in the fact of what appears to be national emergencies. We cannot say that the congressional, particularly the Senatorial, authority can be safely ignored. That way, too, is a very dangerous one.

. . . there must be a reconsideration of the relationship of the executive and the legislative branches . . . . \textsuperscript{13}

Morse did not feel he had extracted all the possible support from Commager, so he rephrased the question to ask whether there was an increase in presidential authority and a deterioration of the checks-and-balances system. Commager was cautious about answering, saying that any changes in this area were circumstantial:

I think what has happened is that the requirements of modern economy have put ever-increasing burdens on government and have tremendously expanded the executive—or, if you prefer, the administrative—branch at the expense of the legislative, that the demands of the modern economy and society are so overwhelming that the legislative branches no longer have the time or resources to deal with them as they have in the past, and that the nature of modern warfare, and to some extent, the assumed rather than real nature of modern, international politics, has placed a premium on speed, on centralization of authority and, alas, on secrecy, and that a great deal of the invasion of prerogative heretofore thought to belong to the legislative branch has been justified on the plea of the necessity of secrecy.\textsuperscript{14}

\textsuperscript{12}Ibid. \textsuperscript{13}Ibid. \textsuperscript{14}Ibid.
To the approval of those Senators who saw Executive secrecy as one of the greatest assaults on their advice-and-consent function, Commager pursued the question in an idealistic vein:

I am inclined to think that one of the major problems confronting all of us who are concerned with the integrity of our constitutional system is the vast growth of secrecy in government so that even Senators and Representatives, even people high in the administration do not appear to know what is going on, or what they are being committed to. Here I suspect what is needed is a return to a somewhat simpler era when we took our chance on things being known and open and debated.15

The professor was pessimistic about the future of the balance of powers and congressional access to information:

I suspect these things will increase rather than decline; that the concentration of control in the executive branch will grow rather than decline, that the real or supposed requirements of the military and of security will be used to enhance executive authority at the judicial; and that what is needed here, too, is a thorough, comprehensive, and probing re-examination of the losses and gains, the dangers and the advantages involved in this process.16

It is significant that the Committee members present at this hearing were Fulbright, Morse, Gore, Clark, Pell, McCarthy, Carlson, and Case. Senator McGee of Wyoming was also present. The discussion rambled through a variety of issues from monolithic communism to the anti-western attitudes of Asia and Africa and the American characteristic of "ideological imperialism."17 The rather specialized nature of this hearing is confirmed by its press and audience appeal; the Washington Post published only a small section of a few paragraphs on the

15Ibid. 16Ibid. 17Ibid., p. 26.
hearing.\textsuperscript{18} In America's heartland, the \textit{St. Louis Post-Dispatch} published a page two account of Commager's thoughts on "double standards" in American foreign policy and his opinion that the bombing should be stopped.\textsuperscript{19} But the \textit{New York Times}, darling journal of the war critics, began its account on the first page and carried an extensive excerpt from Commager's statement.\textsuperscript{20} There was no mention of the division-of-powers issue in any of these publications, pointing up the fact that at this stage of the rhetorical crisis period the issue waxed and waned in its audience appeal. Morse was having some difficulty keeping the issue alive in Committee as well as before the public.

\textbf{The General's Visit}

So pervasive was the Vietnam issue that the war was discussed in hearings supposed to be on other topics. One hearing on the deposition of United States troops in Europe, for instance, was used to discuss both Vietnam and the power issue, although it was not a lengthy discussion.

General Westmoreland had arrived in the United States in April, 1967, to consult with the President. He was expected to ask for a substantial increase in troop strength and to appear before a joint session of Congress. It was not necessary for him to return simply to consult with the President, since all that the General could say was probably already being passed

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{19}St. Louis Post Dispatch, February 20, 1967, p. 2-A
\item \textsuperscript{20}New York Times, February 21, 1967, pp. 1, 16.
\end{itemize}
\end{footnotesize}
through the appropriate channels. More likely, the General's visit was to aid in persuading critics of the war--particularly those in government--of the success and rightness of the cause; his primary audience would be the Congress.

Members of the Foreign Relations Committee were aware of Administration purposes. They were not pleased with the procedure; Westmoreland would speak to a joint session of Congress where he would undoubtedly be received warmly. He was not scheduled to appear before the Committee where he would be within reach of Administration critics.

Secretary of Defense McNamara was before the Committee in an April 26 hearing. He had been reluctant to appear so the Committee was especially interested in what he had to offer. During a discussion on European troop strength, Fulbright pressed Secretary McNamara on the reasons behind General Westmoreland's proposed speech to Congress. He asked whether it was designed to stop congressional dissent. McNamara denied it: "I think if you have read my testimony you will see that I personally strongly believe in the right to dissent . . . . I do not think there is any basis for charging the administration with an attempt to stifle it."21

Regarding Westmoreland's visit, Senator Symington complained about his not scheduling any Committee appearances:

There are some in the Senate who do not fully support the operations in South Vietnam. Others of us, with modifications as to tactical operations, do support it. It seems to me that it leaves a bad impression when the head of the Army comes back and talks in New York, and to the joint session of Congress and to the Governors, and to his own State legislature, but does not have time to talk to the appropriate committees of the Congress. I think this exacerbates problems we already have. There are questions, in an executive hearing, I would like to have asked him about the operations in Vietnam.  

The Committee's dissatisfaction with Administration policy was deepening. Senators like Fulbright, Morse, and Case could hardly have been more intense in their disagreement. But the Administration was losing one of its supports, Senator Symington.

In April, 1967, the issues had not changed. The militant members of the Foreign Relations Committee were as offended as ever by their perceived powerlessness and the two sides were as far apart as ever on the power issue. There is a definite aura of impotence in the Senators' objections. Their words reflect frustration and an inability to feel confident about their ability to persuade the Administration to share its leadership.

The 1967 Foreign Aid Sessions

On July 14, 1967, hearings begun on a $25 billion Administration request for foreign aid funds. For the first time, the Committee voted to revise the legislation before ever hearing from Administration witnesses. The deep cuts in

22 Ibid., p. 37.
the request expressed the Senators' depth of feeling about funding the war.\textsuperscript{23}

William Gaud, new Administrator of the Agency for International Development (AID), appeared along with Dean Rusk to challenge the wisdom of a proposed Senate bill which Gaul interpreted as one to:

eliminate the President's discretion to increase the number of countries on his own book, and instead to require that they can be increased only by a concurrent resolution of Congress, if the President makes a suggestion that there be an increase.

Fulbright quickly attributed the extreme nature of the bill to a Committee feeling "that the Administration did not pay attention to the ideas of the Congress."\textsuperscript{24}

**Constitutional Questions**

Senator McCarthy questioned Dean Rusk about what the AID position was on the rights of Congress "in deciding what countries you ought to give aid to." He asked about the procedures in providing such a check: "Do you think we should just cut off money? Is that the only power we should exercise? Or should we have some influence on policy, and if you think we should have, how do we exercise it?" Typically, Rusk avoided a direct answer and commented his view of checks and balances in the foreign policy area:

There is a problem about the pace of events in world affairs, and the pace of the legislation process. They


are not always the same. We believe that there would be some reason for the view that we should discuss these aid programs in great detail with the committees of Congress, not only at the time that you consider the aid program but in sessions which we have throughout the year—that we do not preclude at all discussions and consultations with respect to whether we have a program in a particular country.\textsuperscript{25}

Rusk had identified the problem as being procedural rather than constitutional, a red flag for those who supported congressional prerogatives. Senator Clark responded strongly, involving the right-to-know argument, but he agreed with Rusk on one point:

I think some of the vice of the situation arises from procedural rather than constitutional questions, and I tend to agree with you on that.

It seems to me the American people as well as the numbers of this committee have the right to know in what countries it is proposed by the Administration to conduct these aid programs, and what kind of aid programs we are going to conduct there. This clumsy method of putting a limitation on the number of countries to me is a position we reluctantly have been forced into because the Administration has not been adequately candid. You have been candid with Congress but you do not permit us to tell the American people what you are up to, and this, to me, Mr. Chairman, is one of the great deficiencies in our procedures in this foreign aid bill.

Secretary Rusk defended the Government position on secrecy, saying that it aided in negotiation.\textsuperscript{26}

During the inquiry, Senator Morse permitted himself a rambling statement on the constitutional issues of foreign policy making. He identified as "the reason this rehearsing is necessary" a "growing public insistence that this Congress do a more effective job in its constitutional checking." His

\textsuperscript{25}\textit{Ibid.}, p. 143.

\textsuperscript{26}\textit{Ibid.}, pp. 144-45.
description of the Committee's objectives followed:

Under our constitutional system we have a legislative responsibility to check whenever we think that there is a discretion being exercised by the executive branch of the Government that is not in the public interest, and some of the reasons for the course of action which has been taken by this committee in executive session is we want to call a halt to your exercise of what we think is arbitrary discretion that has not resulted in the public interest.\textsuperscript{27}

He conceded that the President had indeed been very active in "consulting" with Congress in every way possible and he said, "That is important." But for Morse, it did not solve the main issue:

But the consultation process under the Constitution does not mean that following the consultation that Congress gives approval to the President's wishes. You have to consult in order to understand the Administration's position and its understanding of the congressional position. But under this Constitution we have the check of the purse strings. . . .\textsuperscript{28}

\textbf{Conciliation Rejected and a Vital Question}

Morse attempted to be conciliatory at this stage of the hearings. He had made statements in the past which were extremely anti-Administration and now he tried to decrease the rhetorical and legislative distance between the two branches:

What we have to do is to be a team; what we have to do is to find a basis where the executive branch and the legislature branch can meet embraced on the exercise of constitutional checks. The President ought to welcome it and ought to see to it that he does not ask, under the name of contingency funds, for the expenditure of funds for which he ought to send up a resolution to get support.\textsuperscript{29}

Rusk, however, was not willing to meet Morse's attempt with one of his own. The President, he said, "does not act except in

\textsuperscript{27}Ibid., p. 176.  \textsuperscript{28}Ibid.  \textsuperscript{29}Ibid., p. 179.
accordance with the law and the Constitution." He slapped back with the SEATO treaty which had been approved by "every member of this committee who was then a Senator." Then he gave the greatest insult of all, continuing reliance on the Southeast Asia resolution: "There was a resolution of the Congress, which can be rescinded by a concurrent resolution, to which there were two negative votes in the entire Congress . .."\textsuperscript{30}

The 1967 series of hearings on foreign aid was proving to be the most difficult the Administration had ever experienced. More kinds of issues were discussed more strongly than in any previous hearings on foreign aid. An example of the discussion, not directly related to the value issues under consideration, but a symptom of the tension between the two branches, occurred during a rare appearance by Secretary of Defense McNamara before the Committee. Fulbright pushed toward the end of the July 26 hearing, expressing his belief that the war was a financial drain on the country:

\[
\ldots \text{you know the committee is very concerned about this matter. I think personally the concern of the committee and the reason it kept you so late is a very great and growing apprehension about our situation, not only in the U.N. but elsewhere, and particularly here at home. I do not know what we are going to do.}
\]

The Senator and the Secretary of Defense exchanged remarks, Fulbright saying that "preoccupation with the war was to blame for such things as riots in Newark and Detroit," Secretary

\textsuperscript{30}Ibid., pp. 180-81.
McNamara vigorously denied it:

Mr. Chairman, the conditions were there. They did not develop since the war started. They have been with us for 100 years. We did not address them for 98 of those years during which we did not have the Vietnam war, and I do not believe the failure to address them since the Vietnam war is in any way related to the Vietnam war. 31

The Committee's action was to cut $205 million from the requested $680 million in military aid after hearing McNamara in the closed session. Senator Fulbright announced that he would not sponsor the bill in the Senate since he planned to vote against it. 32 He was becoming restive about Rusk's refusal to appear before the Committee in public, which partially accounted for his most extreme action up to that time, the initiation of a National Commitments resolution.

A Spectacular Hearing

In the summer of 1967, Fulbright began what proved to be a premature attempt to have Congress go on record with a resolution which would reaffirm the right of Congress to provide a check on the use of armed forces abroad. Not until June, 1969, was the National Commitments resolution passed. The hearings on the resolution produced both light and heat. One of the most dramatic moments in the entire seven years of hearings occurred during one of these sessions.

Under Secretary of State Nicholas Katzenbach was a dynamic and impatient Administration spokesman. He seemed

31Ibid., July 26, 1967, pp. 320-331
entirely confident of his position and almost contemptuous of congressional critics. During an August 18 appearance, Katzenbach led the Committee in a wild and furious discussion. He often spoke in a tone of voice which was a shout—something which usually occurred only among Committee members during these hearings.33

He provided the Committee with some of the most astonishingly abrasive rhetoric they had heard. Past witnesses had usually conceded the worth of congressional disagreement and open hearings but Katzenbach said he saw no need for the resolution because it was clear that the President had the "capacity" and the "constitutional authority" to conduct foreign relations as he determined. He was opposed to a declaration of war on Vietnam because it would not:

correctly reflect the very limited objectives of the United States with respect to Vietnam. It would not correctly reflect our efforts there, what we are trying to do, the reasons why we are there. To use an outmoded phraseology, to declare war.

Fulbright was shocked: "You think it is outmoded to declare war?" Katzenbach replied that the terminology was, indeed, outmoded, "But I think there is . . . an obligation on the part of the executive to give Congress the opportunity . . . to express its views with respect to this." Where the Gulf of Tonkin incident was concerned, Congress was able to express its views and pass a resolution which was "the functional equivalent, the constitutional obligation expressed in the

provision of the Constitution with respect to declaring war."

When pressed further, he exploded,

"didn't that resolution authorize the President to use the armed forces of the United States in whatever way was necessary? Didn't it? What could a declaration of war have done that would have given the President more authority and a clearer voice of the Congress of the United States than that did?"\(^{34}\)

Senator Fulbright said that he interpreted the resolution to mean an immediate response to an urgent situation and did not know that it would involve waging a war. Katzenbach insisted that Fulbright had known exactly what was entailed; he had explained it to Congress and Congress understood. Under later questioning from Senator Gore, Katzenbach retreated, "I do not wish to be misunderstood as saying that the Tonkin Resolution was tantamount to a direct declaration of war" because, as he had earlier said, a declaration of war was no longer a viable action. Now, it was "an expression of congressional will" which was the ultimate congressional involvement within the context of the times.\(^{35}\)

The next day, President Johnson said that he was well within his constitutional rights and that the 1964 resolution had given him all the authority he needed. He challenged his critics to have the resolution repealed if it was really wrong.\(^{36}\)

During the months of 1967, the Administration still vigorously defended the 1964 resolution. It was probably the

\(^{34}\)\textit{Ibid.} \quad \(^{35}\)\textit{Ibid.} \quad \(^{36}\)\textit{Ibid.}, August 19, 1967, p. 10.
most important element in the rhetorical struggle for power. The proof that it was indeed a viable rhetorical issue, able to be changed through persuasion, came when the Administration later abandoned its defense. The Katzenbach testimony was the point at which the strongest language was used and the time when rhetorical distance between the Committee and the Administration was greatest. In the summer of 1967, the Gulf of Tonkin resolution was still a live issue.

The next step for the Committee was logical. If the members were unable to shake the Administration's justification, they might be able to modify Johnson policies with a specific resolution which would take the whole problem of Vietnam out of United States hands and place it with a neutral agency. Senate Majority leader Mike Mansfield, still a conciliatory agent between the Committee and the Administration, sponsored the attempt.

The Mansfield Resolution

The normally taciturn Senator John Sherman Cooper, a Republican member of the Senate Foreign Relations Committee, spoke out on what he saw as increasing tension between the United States and the Soviet Union. He was in favor of a bombing halt and a negotiated peace.\(^{37}\) As Senators like Cooper moved slowly toward unqualified opposition to Administration policy, emotion was being generated among the young,

especially, and public demonstrations became the order of the day. There were many who accused the demonstrators of aiding the North Vietnamese cause; the North Vietnamese termed the domestic opposition "valuable support" and a "great encouragement."  

In October, Mike Mansfield introduced a resolution for the submission of the Vietnam conflict to the United Nations. The idea had been suggested and discussed in Committee hearings often but without response from the White House. Mansfield's resolution was not binding but was, rather, a "sense of the Senate" resolution; technically, an indication to the President of public feeling. The hearing on the Mansfield resolution was not productive of very much material on the sharing of power but it was, in itself, a sign of the Senate's growing willingness to recommend formally policy to the President.

Wayne Morse, as usual, tried for the strongest language possible. He hoped to alter the resolution from one which urged the President to "consider" the policy to one which would say the "Congress recommends to the President." Still, Morse was more conciliatory than in some past hearings. For example, he referred to the possibility of "building a bridge between the committee and the Congress and the White House" with the Mansfield resolution. He indicated that he saw the resolution as a power lever but he was less abusive of the President

---

38 Ibid., October 26, 1967, p. 2.

than in past similar situations:

The hearings, the debate on the floor of the two Houses if, as, and when the resolution goes to the two Houses for a vote, will make the legislative record on these points, and the President will be in a position to take note of them. The result will be to then place upon him the responsibility as far as the executive action is concerned to submit a resolution which he thinks the executive branch ought to submit.

I have confidence that he is not going to ignore the judgment of the Congress because, as I have said so many times, I do not question his sincerity of his motivation in trying to find an honorable way out of the very serious situation that has developed in Asia threatening the peace of the world, most of the responsibility for which history will show rests squarely on the shoulders of the United States . . . . 40

Majority Leader Mansfield, the sponsor of the resolution, was in a difficult position. He had remained publicly reserved on his disagreement with Administration policy; he did not want to come into conflict with his predecessor. But he was beginning his public dissent in much the same way as other dissident Senators. Speaking to Ambassador Goldberg, Mansfield explained his intended meaning:

This resolution does not hand you any blank check, and I think that ought be to kept in mind. Nor does it allow, if it is passed, any authority to the U.N. to dictate a peace in Southeast Asia.

The pending resolution is entirely advisory, at least the resolution co-sponsored by 58 Senators. It places the President in no straitjacket. It leaves the conduct of foreign policy on U.S. where, in the end, only it can be, in the hands of the President.

In my view the adoption of this resolution would say to the President most respectfully, that the Senate hopes that he would see the desirability of trying again to open the question of Vietnam to formal consideration by the U.N. Security Council. Furthermore, we would say to him that we think it is desirable to take timely note of the

40Ibid., p. 108.
deep concern over Vietnam which has been expressed by more than 100 nations . . . . 41

Mansfield's resolution was in response to a number of challenges, both from Congress and from the Administration, to make specific policy suggestions. The Committee had, until this point, been largely negative in its approach and somehow unwilling to formulate its own views on what to do with the war. This hearing was significant in the development of rhetorical goals; it was the beginning of the Senate's attempt to take matters into its own hands and dispose of the war.

It set the stage for a bold attempt to reconstruct the Gulf of Tonkin events in a way that would show the 1964 resolution to be based on incorrect assumptions. The Gulf of Tonkin hearing came about because some of the Senators searched out additional information over a long period.

The Gulf of Tonkin Hearing

As 1967 came to a close, the President was still having to defend his policies against critics. In a news conference he said that anti-war demonstrations were hindering peace. A Johnson tactic was to mention street demonstrations and dissident Senators in the same breath, although his remarks about the Senators were usually conciliatory. He said that critics had the right to devise their own alternative policy and said that he "preferred not to be negative" in his own policy making. 42

41Ibid., November 2, 1967, pp. 170-71.
The Senate Foreign Relations Committee was beginning to show definite signs of the strain; Fulbright's National Commit-
ments resolution had foundered in closed committee sessions. Fulbright expressed genuine surprise over the development and doubted whether he could get a Committee majority behind even a modified version of the resolution.43

The country had never been so divided over the war. It not only set young people against adults, but opposition was also mounting among "responsible" elements. One citizen of New York observed that the term "dissent" was hardly useful any longer:

The division in this country respecting the war has become so nearly equal that those who oppose it can no longer be labeled "dissenters". Nor are they to be beaten over the head by police clubs or confronted by soldiers or arrested summarily and dragged off to hidden jails.44

In that context, the Gulf of Tonkin hearing was scheduled for late February, 1968. It was to be a secret session--the transcript of the hearing was not released for several months. This hearing served to put Senators and members of the Administration in more direct opposition than ever before.

**Discussion on Secrecy**

Fulbright opened the hearing with an explanation of his good intentions in conducting the hearing. He invited Secretary McNamara to read his statement and suggested that it

43Ibid., p. 9. 44Ibid., p. 46.
not be released to the public until the Committee had examined it carefully, especially since it was an executive session. McNamara replied, "I doubt very much that we will be able to withstand the pressures of the press today without releasing it. We have been deluged by requests for it." This set off a disagreement among the Senators which lasted nearly twenty minutes. Wayne Morse was first to object. His statement sounded as if it was designed to be helpful to McNamara; in reality, it probably reflected his reluctance to keep anything like this a secret:

Can I only say, Mr. Chairman, on a procedural matter, I quite agree with the Secretary. I do not think we ought in any way to place any restrictions on the Secretary in regard to releasing anything he wants to release. I know you did not so imply. But I think the judgment of the Secretary should prevail in regard to what the Department of Defense releases, and I think the judgment of the committee should prevail in regard to what we should release.\(^{45}\)

He further suggested that it was "in keeping with the division of powers doctrine" to lift any restrictions from the Secretary in this matter.\(^{46}\)

Senator Gore supported the Chairman's position:

I find a great deal of appeal in what Senator Morse has said, but I think it must be interpreted in the light of the fact that we are dealing here with classified materials and having an executive hearing. The release of a statement in executive hearing, used in an executive hearing, has not, so far as I can recall, been done except by permission of the committee.


\(^{46}\)Ibid., p. 4.
I remember one time when I was chairman of a subcommittee, Secretary Rusk was appearing, and the question of releasing his statement was submitted to the committee, and the committee voted unanimously to approve its release. I dare say it might do so--we might do so, after hearing this, but I would like to defer judgment on it.\textsuperscript{47}

Morse was not convinced. He would not agree to place restrictions on any Administration witness, either to speak freely in Committee or in public afterwards. He explained his philosophy further:

Speaking hypothetically, although the Secretary has made very clear his willingness to oblige you, I am not talking about his willingness to oblige but I am talking about what I consider to be a very, very important basic procedural right of the administration witness under the separation powers doctrine. I have never transgressed upon it knowingly, and I am not going to let the administration at any time transgress upon our corresponding right under the same doctrine. Therefore, I think we ought to deal with each other on the basis that we know what these respective rights are and seek to place no restriction on each other.\textsuperscript{48}

Senator Hickenlooper agreed with Fulbright, saying that the entire hearing should be released to the public at the same time, not "piecemeal." Conservative Senator Lausche, usually an Administration supporter on Vietnam, came into the room late and missed the issue at hand but he expressed his philosophy on secrecy and his attitude toward the Committee:

Mr. Chairman, having listened to what Senator Hickenlooper has just said, I feel obliged to make a statement that this body, vested with secret information of the most intimate character, dealing with the security of the United States, has been brought scandalously into disrepute by the frequency with which reports are carried in the newspapers of what is supposed to be done under closed executive meetings, and I do not feel content that we can wink at these leaks that are coming out of

\textsuperscript{47}\textit{Ibid.} \hfill \textsuperscript{48}\textit{Ibid.}, p. 5.
this committee. I am not satisfied with the statement that there is nothing we can do about it. Somebody is leaking things, whether it is a member, Members of the Senate, or whether it is members of the staff. I do not know who it is, but it is a terrible mistake that this body, related most intimately to matters that deal with the security of the United States, finds itself with newspapers reporting what takes place under confidential discussions.

He continued his protest, even as the Chairman and others were urging, "Let us get on." Lausche concluded, "Something is wrong with this committee."\textsuperscript{49}

They left the point unresolved and turned to another. Secretary McNamara mentioned that he had not seen the Committee's documents, Fulbright retorted that he had been denied access to Administration documents. McNamara knew, however, who had written the study which the Committee was using as one of its most important pieces of evidence and he denied that the author could have had access to the appropriate information. This discussion, too, went by unresolved.\textsuperscript{50} The Committee then turned to more substantive matters and the Secretary was able to present his statement.

The Argument Begins in Confusion

The Secretary of State attacked the Committee's doubts about the Gulf of Tonkin incidents head on:

The questions that appear now to be raised are the same as those considered and settled at the time:

Was the patrol in fact for legitimate purposes?
Were the attacks unprovoked?
Was there indeed a second attack?

\textsuperscript{49}\textit{Ibid.}, pp. 5-6. \hspace{1cm} \textsuperscript{50}\textit{Ibid.}, pp. 7-9.
If there was a second attack was there sufficient evidence available at the time of our response to support this conclusion?

He said that the answer to all of those questions was still affirmative.51

As the Secretary concluded his initial presentation, he brought forth a dozen points of proof for the second attack's occurrence. Then, his final point:

I must address the suggestion that in some way, the Government of the United States induced the incident on August 4 with the intent of providing an excuse to take retaliatory action which we in fact took. I can only characterize such insinuations as monstrous.52

The hearing continued with Committee members leaning heavily on the Secretary of Defense. Senator Lausche was appalled at the proceedings. He believed that there was a conspiracy to discredit the Government. The evidence, he felt was too one-sided: "All of the paper is directed to show that there was falsehood presented." Fulbright denied any intention to produce such a document: "If those documents are not in here, it is because the Department of Defense did not supply them to us." McNamara complained that he still had not seen the Committee's compilation and for a time, the session seemed on the verge of disintegration:

Lausche: Will the chairman point out a single statement in this report to the committee that shows that there is in it anything justifying the action that our U.S. Government took? Every statement in this secret report tends to prove that we should not have done what we did, and I cannot understand how we did it.

Gore: I respectfully submit that is not an accurate statement.

51 Ibid., p. 12. 52 Ibid., p. 19.
Lausche: It is pretty substantial.
Clark: Mr Chairman, I do not think this discussion is seemly. I think we ought to proceed in a normal manner. You ought to wait until your turn.
Lausche: If he will quit, I will get my turn.
Clark: He is your Chairman. You owe him some courtesy and you are not giving it to him.\(^53\)

The Chairman pulled things back to order but not for long. Senator McCarthy began pressing the Secretary on the right of United States vessels, like the Pueblo-and the Maddox, to aid other powers. McCarthy's manner was casual, disorganized, and evidently offensive to the Secretary. It turned into a shouting match:

McNamara: No. I think American ships, when it is in our interest should move any place in international waters—.

McCarthy: Spy any place they want to, but take the consequences.

McNamara: I believe—.

McCarthy: Get the information.

McNamara: If you want to change the entire legal basis—.

McCarthy: I am not going to change anything.

McNamara: (continuing)—of operations of the sea, that is your prerogative.

McCarthy: Well, there really are not any, as you know. I mean everybody claims different things.

McNamara: Of course, there are. Let us not say there is not a basis.

McCarthy: We do not have to go into it now.

McNamara: We will go into it.

McCarthy: Well, we won't.

McNamara: We will.

McCarthy: I would like to ask my questions. He is not answering the question I wanted to ask him.

Fulbright: Let him try, and then you can respond.

The exchange continued in the same vein for several minutes. Neither McCarthy nor McNamara seemed able even to agree on the question.\(^54\)

Tension grew among all the participants, Lausche

\(^{53}\)Ibid., pp. 32-33.  \(^{54}\)Ibid., pp. 45-47.
continued to interject his angry remarks: "It looks to me as if it is trying to put the United States in a bad light and the North Vietnamese in a good light, and I cannot subscribe to that."\(^{55}\)

Senator Gore tried to smooth the troubled waters between Lausche and Fulbright with little effect:

Before you entered the room, Senator Lausche, the chairman stated the purpose of the hearing was to develop as fully as possible the true facts relating to the incidents in the Gulf of Tonkin in the process of examining the decision-making process of the United States in a crisis; is that correct?

Fulbright replied that it was and Gore said he concurred in the Chairman's objectives. Fulbright then turned to the theme of a declaration of war:

This resolution has been interpreted by the administration as a "functional equivalent" of a declaration of war under the Constitution. I do not accept that definition, but in any case that is what under Secretary of State Katzenbach said.

It seems to me how one makes a decision that inspires a functional equivalent of a declaration of war is very important to the country, and to this committee.

Lausche grumbled that the entire hearing seemed aimed at trying to show that "the Communists had the right to shoot at us."\(^{56}\) His suspicion grew, as will be seen from subsequent hearings.

The rhetorical struggle for power was weakened on both sides because the rhetorical distance was so extensive. The relationship between the power and distance dimensions becomes clearer in this Gulf of Tonkin hearing than in any previous hearing; the basic assumptions among the participants were

\(^{55}\)Ibid., p. 51.  \(^{56}\)Ibid., p. 52.
totally different, so that there could really be no meeting of their arguments. Some of the Senators evidently believed in the complicity of the Administration in the Gulf of Tonkin events; the Administration maintained its position doggedly in the face of some very incriminating evidence; and some of the Senators broke with their own Committee because they felt that the conclusions being sought were too costly. In this environment, with so little integration among the various positions, there could be no modification or exchange of power functions.

Fulbright's Lament

As the allotted time drew to a close, Fulbright took several minutes to reflect on the tragedy of the situation and to berate himself for complying with Administration requests so willingly:

I think it was very unfair to ask us to vote upon a resolution when the state of the evidence was as uncertain as I think it now is, even if your intercepts are correct. Of course, none of those intercepts were mentioned to us, I don't believe, in the testimony on August 6. Your statement and General Wheeler's was without any doubt, any equivocation that there was an all-out attack.

He accused Secretary McNamara of giving the "most favorable interpretations" to the Committee on August 6, 1964. He said the Committee had made the "functional equivalent of a declaration of war" when the commander of the Pacific task force had recommended a delay of action until the evidence could be fully evaluated. Fulbright said that if he had known about the commander's cable, he would not have rushed into the resolution as he had done:
We met, if you will recall for 1 hour and 40 minutes, in a joint meeting of the Armed Services and this committee and we accepted your statement completely without doubt. I went on the floor to urge passage of the resolution. You quoted me as saying those things on the floor. Of course, all my statements were based on your testimony. I had no independent evidence, and now I think I did a great disservice to the Senate. I feel very guilty for not having enough sense at that time to have raised these questions and asked for evidence. I regret it.

I have publicly apologized to my constituency and the country for the unwise action I took, without at least inquiring into the bases . . . . I feel a very deep responsibility, and I regret it more than anything I have ever done in my life, that I was the vehicle which took that resolution to the floor and defended it in complete reliance upon information which, to say the very least, is somewhat dubious at this time.

He contended that with full information he would have raised a "warning sign" to the country, "and I must say this raises very serious questions about how you make decisions to go to war." Although questions had already been raised on the Administration's decision-making, not even Fulbright had been as interested in it as he was to become.

Evaluation

The Gulf of Tonkin hearing does not appear to have been productive of any agreement between the Administration and its critics. It was disorganized and confusing. Had it been televised, the public would have been alarmed that their leadership could be so ineffective in a discussion. The probable effect of the hearings was more positive for the critics than for the Administration. McNamara was not successful in defending his version of the 1964 incident, the Committee's

57 Ibid., pp. 79-81.
evidence was more convincing, and McNamara sometimes seemed
evasive and even disconcerted over most of the Committee's
evidence. The result was to convince the critics even more
that their position was right and it served to place the
Committee a bit more on the offensive.

More Televised Hearings

For the first time since February, 1966, the Secretary of State had agreed to appear in a public session with
the Committee. As late as November, 1967, Rusk's decision
to appear only in closed sessions was denounced by Senator
Morse as "a challenge to representative government."58
Undoubtedly, the Administration felt that support of its
position would only be eroded with any more sessions like
the 1966 series. A Gallup poll on the eve of the Secretary's
appearance revealed that forty-nine percent of Americans
believed that it was a mistake ever to have sent troops to
Vietnam. There was a sizeable undecided group, leaving the
"mistake" group in the majority.59

Press support of the war was eroding. The New York
Times had long been critical but its ultimate denunciations
had been muted. Before the 1968 Foreign Assistance hearing,
the Times editorialized that the "time has come to abandon
this bankrupt policy." It continued:

The American people have been pushed beyond the limits of gullibility. Searching questions about the escalation doctrine are at last being raised by significant numbers of private citizens, members of Congress and even by officials of standing in the Administration itself. These questions must now be pressed at every level. The fate of the nation depends on it.60

Fulbright evidently hoped to make the 1968 hearings as significant for the country as the 1966 hearings had been; he was able to get live television coverage of much of what happened in the sessions.

An Extensive Statement From Fulbright

In his opening statement to Rusk, Fulbright said:

I am sure that you would not want us to remain mute, given our misgivings, doubts, and fears. Silent and acquiescent or obsequious legislatures are not symbols of democracy but of totalitarianism. And in expressing, as vigorously as we are able, our objections to the policies we are pursuing in Vietnam we are, I believe, true to the values and the traditions of the country, to which all of us are devoted.61

After listening to Rusk's opening statement, which was filled with much of the same kind of material as in 1966, Fulbright attacked the Administration position. He did not dwell on the dreadful financial drain or the wisdom of fighting this particular was as he had in the past. The 1967 Gulf of Tonkin hearing was his weapon:

The crisis over the war at home is the result of certain, striking discrepancies—discrepancies between events and the description of them by the Administration, between current Administration policies and traditional American values, such discrepancies as the following:

---

60 Ib., p. 40.

The war is described as an exemplary war, a war, that is, which will prove to the Communist once and for all that so-called "wars of national liberation" cannot succeed.62

He said that in fact, America had been unable to win the "civil war" because the nation being aided could not even inspire its own people. Fulbright then enumerated some other "discrepancies":

It is said that if we were not fighting in Vietnam we would have to be fighting much closer to home, in Hawaii or even California. I regard this contention as a slander on the U.S. Navy and Air Force. In the words of the plain-spoken former Marine Commandant General David M. Shoup, that contention is "pure" unadulterated poppycock.

It is said that we are fighting for freedom in Vietnam when someone objects that the Saigon Government is corrupt, dictatorial, and incapable of inspiring either the loyalty of its people or the fighting spirit of its soldiers, we are told that there is also corruption in Boston and Beaumont, Texas, the relevancy of which escapes me.

He continued with his obviously prepared statement. His final blow was at the 1964 resolution. Not only did he believe he was preventing rather than authorizing a war when he voted for the resolution, the information on which the Senate acted was partially inaccurate.63

Fulbright then turned to discuss the discrepancy "between present policies and the traditional values of America." The war had spoiled American influence. The world could no longer look to the United States as a "decent and democratic society." The American people had lost hope and optimism. The war was responsible for the "hippie movement,"

62Ibid. 63Ibid., pp. 8-9.
the "angry 'new left'," a drop in Peace Corps applications, a reduction of capable young people willing to participate in Government, letters of protest, and crisis in the draft system. As people around the nation watched and listened, Fulbright expressed the questions of an increasing number of people:

But even if we can afford the money, can we afford the sacrifice of American lives in so dubious a cause? Can we afford the horrors which are being inflicted on the people of a poor and backward land? Can we afford the alienation of our allies, the neglect of our own deep domestic problems, and the disillusionment of our youth? Can we afford the loss of confidence in our Government and institutions, the fading of hope and optimism, and the betrayal of our traditional values?

These, Mr. Secretary, are some of the questions that have to be put before we can return to the normal legislative activities which, technically, are before the committee today. (Applause)

Disturbed by the audible response, Fulbright said somewhat petulantly, "Will you please refrain from demonstrations? This is a very serious meeting and not a public gathering."64

This was Fulbright's longest and most complete televised statement on his doubts. He felt free, at last, to attack the Administration publicly with all the ammunition he had gathered from previous hearings.

Rusk responded with a Cold War doctrine: "Now, the central problem . . . before the human race is how to organize peace in the world." He said that the Administration had also hoped that the 1964 resolution would be a deterrent but, unfortunately, "it did not have a deterrent effect and it has

64Ibid., pp. 9-10.
become necessary for us to make good on our commitments . . . . "65

The hearing then moved toward the power issue and concentrated on that problem for nearly the whole time.

Conflict on Sharing Power

Before their national audience and their presidential audiences as well, the two sides entered into a vigorous defense of their respective power positions. Rusk responded to a comment on consultation, his patience running thin:

The President, as you know, does keep in touch with the leaders of the Congress and the leaders of committees. I just don't think there is anything more I can say on that. I would add that, call your attention to the fact that, the distinguished majority leader said the other day that President Johnson has tried to consult with the Congress more than any President he knows of.66

Fulbright questioned Rusk closely on the meaning of congressional consultation. For the first time, the Senator explained clearly what he believed would constitute acceptable consultation:

I understand, Mr. Secretary, that in your answer to the question about bringing the Congress into the consultation prior to a decision, you said if congressional action is indicated. What, in your opinion, would indicate the need, or justification, for congressional participation in a decision to enlarge the war?

Rusk: Well, Senator, I am somewhat handicapped on that because I do not have any conclusions or decisions or recommendations from the President on that matter. The President doesn't have a plan or a dollar that is not made available to him by the Congress by law.

65Ibid., p. 11. 66Ibid., p. 41.
Fulbright: I mean the decision before the conclusion. We are interested in a consultation, in knowing about the plan before the conclusion is announced. I want to put in the record a statement showing that in April 1965 the same question was raised. At that time we had 34,000 troops in Vietnam. I asked if we would be consulted. It was my understanding that we would be. I don't think we were.67

Fulbright pressed his point that Congress should be brought into a decision before it was made:

Are you going to inform the Congress, through this committee and the appropriate committees in the House, before you make a decision? This has been done in the past, I may say, but not in connection with Vietnam.

He conceded that the President would have the final decision under any circumstances but he still believed that the Committee should be consulted before action was taken. Rusk seemed helpless to give the Chairman the assurances he sought:

I think I can't clarify it very much, Mr. Chairman. The President has tried to keep in touch with the Congress and with the leadership and with the appropriate committees on these matters, as the situation in Vietnam has developed. There has been very substantial testimony from time to time between--with--various committees in executive session. Some of it has been released publicly.68

Senator Fulbright was speaking with the backing of a number of his colleagues. The previous Thursday, March 7, he had stood in the Senate to remark about the rumors of an increasing commitment to Vietnam and had called for Senate consultation before a decision was reached. He was supported by the words of Senators Case, Miller, Hatfield, Javits, Church, Kennedy, Hartke, Tydings, Nelson, Cotton, McGovern,

67Ibid. 68Ibid., pp. 46-47.
Hart, Clark, Pell, and Gruening. All the while, the Senators favorable to the Administration invoked points of order, throwing the floor into confusion. But enough support was evidenced to show a clear division within the Senate, one of significant proportions.

Frank Lausche had opposed discussion of the war on the Senate floor as well as in Committee sessions. He chose to pursue the issue again:

Now, finally, why are we conducting this hearing? Hearings are usually held with a view to taking action, and there is no indication that any action is contemplated by this committee. I want to get out of Vietnam, but if we must stay there, I don't want our actions to help Ho Chi Minh and the Communists. And I therefore propose that talk come to an end, that we discontinue having meetings after we have fully explored the situation in the sessions that will now be held, and I suggest to the Chairman that, to bring this issue to an end, he submit to the Senate one or more of three resolutions: One, that we pull out. Two, that we adopt the McGovern plan of creating enclaves. And, three, that we repeal the Tonkin resolution.

We should bring this discussion to an end, and we should bring it to an end by affirmative action. There is no sense in engaging in these vitriolic condemnations of our country without someone taking affirmative action to let the world know where we stand. Talk will do no good. Action is required.

Fulbright justified the hearings on the need for public education and as vital to the democratic system. Then he turned to the most important issue still in his mind:

I have said that if the Administration would confide in us as to what they have in mind in Viet Nam, then we could deal with it, and whatever the decision of the Senate, I would abide by it.


70Ibid., p. 57.
I do not believe that the Administration has been candid with this committee or the Congress in the past. I will have questions later on. Specifically, I do not accept the Administration's case for what they call the authorization for this action, the resolution passed in 1964. One effect of that particular action was to stifle debate and discussion, because we have been constantly met with the statement that we had authorized whatever the President chooses to do, which I think is a distortion of that resolution. But even more important, I think, is the fact that it was a voidable resolution from the beginning because it was effected by misrepresentation.71

Others expressed their unhappiness. Senator Case said that his views had done an about-face. He said he believed it was an honorable action to go to the assistance of the South Vietnamese when they asked for help, "But there is a line to be drawn between the honorable meeting of commitments and pig-headed pushing in the direction of a course which has become more and more sterile."72 Senator Symington had held out for the Administration's policy as long as he could. Now he had "increasing doubts." He said the mistaken Vietnam policy had "hurt the national will in this country, because of increasing dissension . . . ."73 Senator Pell saw the dilemma of speaking out against "a course of disaster" and hurting the morale of America's fighting men. Still, he felt the hearings were worthwhile because, "while it may not change your mind or ours who have reached fairly firm views on this subject, it does expose it to the public as a whole, and in that way--I just wanted to make that comment."74

---

71Ibid., p. 58. 72Ibid., p. 95. 73Ibid., pp. 100-101. 74Ibid., p. 127.
The session ended without anything resolved on the sharing of powers issue. The question of Executive consultation with Congress dominated the session and, as the New York Times observed, the most apparent result was a noticeable turn in Committee opinion on Administration policy.75

James Reston observed that Rusk did not appear in a bad light during the hearing. In fact, in "many ways he dominated the entire debate." Reston said Rusk was "restrained, courteous, well-informed, bold and loyal;" but he was unable to make significant headway because he was "stuck with a bad case, which he cannot sell even to his old friends and allies."76

Rusk agreed to return the next day, although with considerable reluctance. He protested that he had a very busy schedule and could not possibly come. Fulbright insisted that he return rather than continuing the hearing into the night. A key factor in Fulbright's insistence and Rusk's reluctance was probably the television audience; national coverage stopped at 6 p.m. Fulbright obviously felt that the advantage lay with critics on the Committee when there was television coverage; Rusk must have believed that the Administration position would only suffer before a national audience.

The Second Day—More of the Same

The session of March 12 was much like the first. The dominant issue was once again the role of Congress in advising

76Ibid.
the President on foreign policy. In his opening remarks, Fulbright came down hard on Rusk:

The first and most important point to me is the question of consultation with the Congress. I wish to be as clear as I can about what I mean by consultation.

I believe that we in the Senate--by that I mean all of us, but particularly this committee--should be informed fully about the policy which this Administration intends to follow in the immediate future before public announcement of the policy is made. In other words, we should not be informed after a decision is made."

He told Rusk that the Committee experience in this area had not been satisfactory, partially because of Committee neglect, "but it is still not too late to draw back before a full-scale, all-out war, possibly involving nuclear weapons, begins."

Rusk was asked for comment and his reply was as unchanged as Fulbright's question:

Mr. Chairman, I said yesterday, and I think the distinguished majority leader said recently, that President Johnson has attempted to consult with the Congress more than any recent President. On a great many of these matters, the President is consulting with the chairmen of committees, and the Secretary of Defence is meeting on Wednesday with the policy group of the House Armed Services Committee. The Secretary of Defense will be before this committee, I understand, on Monday in connection with military assistance.

I think there is a good deal of consultation going on here, yesterday, this morning. I would think that the views of members of the committee have been set forth rather clearly.

Fulbright accused Rusk of not providing direct answers and Rusk responded with another reading of the 1964 resolution--a bad beginning for any possible constructive dialogue.78


78Ibid., pp. 133-34.
was angered:

Mr. Secretary, I am sorry you bring up that resolution. I have already spent a good deal of time on it. I think you used the resolution to prevent consultation, to prevent discussion; that was the effect. We passed it. We had all of one hour and 40 minutes of listening to you, or rather primarily the Secretary of Defense, on the morning of August 5, and I certainly don't think that is consultation. That is a method of avoiding and preventing both consultation and discussion.

Rusk was unyielding. If the Senate needed more time, it should have taken it. There was precedent for their action so the Senate should have been familiar with what was happening.79

Fulbright tried a different tack. He simply hoped that the Committee "might influence you into pursuing a wiser policy." He only wanted to "find a way that the Congress can make a contribution to the wisdom of the decision."

Rusk then followed the path which some of the minor witnesses had previously followed. He said that the North Vietnamese "would just love to know what we are and are not going to do for months ahead . . . . There is nothing that would be more valuable to us than if Hanoi or Peking or Moscow were to hold public hearings portraying everything they had in mind, what their plans are for the future."80

After a few minutes in this vein, Fulbright tried to press Rusk into a clear answer:

Do I understand that you are saying in a very polite, but roundabout way that you have no intention of consulting with this committee and the Congress; that you are going to do as you please and that we are going to take it and

79Ibid., pp. 134-35.
80Ibid.
like it; and that you think the Tonkin resolution is full authority? I want to make sure your answer is clear, and I don't intend to get diverted to these secondary issues. 81

In an apologetic manner, Fulbright continued asking the question, rephrasing and explaining further. His last attempt to phrase the question revealed an interesting view of a position he had not expressed in the hearings:

The question is: Do you think that the Administration will be able to or willing to let us know, prior to a decision what you intend to do. I think this is very important. It is the equivalent, I think, in the constitutional sense, of asking us to take the initiative in the declaration of a war, even though it does not follow that form. Are we or are we not going to be told? 82

Fulbright had actually accepted the Katzenbach statement of August, 1967. He had moved from astonishment to acceptance; he was ready, though somewhat reluctantly to yield to the outmoded nature of actual declarations of war and to accept previous consultation as a substitute.

Rusk answered unimaginatively: "Senator, I indicated to you that the President has not reached his conclusions" on whether to escalate the war. Fulbright expressed his resignation: "I guess I can't press you any further not to say that your present intention is not to inform this committee or the Congress as to what your plans are." He said that if that was the case, "then we have no business interesting ourselves in the matter." Rusk tried; rather unsuccessfully, to equivocate. He finally retreated, saying that the views of Congress and

81Ibid., p. 138. 82Ibid.
the Committee were already on record. Fulbright quickly replied: "Then your position is that you already know what the committee thinks. Therefore, there is no need for consultation." Rusk answered weakly, "We know a good deal, don't we."83

Senator Mansfield tried to mediate. He acknowledged the Executive's difficulty in making decisions while meeting with Congress. But he hoped there would be more consultation; "We would like to be in on some of this discussion."84 Gore said that a "stalemate between the President and the Senate" was no more desirable than a stalemate in Vietnam. He called for "teamwork" between the President and Congress.85

Secretary Rusk mentioned a recent statement which had been drafted and signed by eighteen anti-war Senators and said that it did not reflect a weak will or diminished patriotism in the nation. In connection with his concern that the enemy would have the wrong impression about the national will, he said that he would rather appear in closed hearings "because there are many things which ought to be brought into the conversation that cannot be brought into it here before television, with all the world listening in." Frank Church sprang to the defense of the anti-war draft and the public hearings. Church said that "matters of such mortal importance to the American people" were being discussed and that "the decisions

83Ibid., pp. 138-40. 84Ibid., pp. 141-42. 85Ibid., p. 143.
concerning them can't be made behind closed doors." He agreed with Rusk on one point: "It is not a question of American stamina or American determination to see it through. We have plenty of that." But the wisdom of the United States policy was his concern and it was too important for discussions to be held behind closed doors. Rusk replied that he concurred with the Senators on the necessity of freedom of speech but he urged them to remember that "words have consequences." 86

Senator Hickenlooper suggested that while he was in agreement with the objective of the hearings, the matters at hand should be discussed privately. 87 Senator Dodd agreed, in one of his rare Committee appearances, but he went a step beyond Hickenlooper's position:

It may be old fashioned, but I was brought up to believe that, when our country's in a war, we all unite. That has been the history of our country, and pray God it will always be.

In the old days when we were involved in hostilities, the dissenter's themselves imposed certain restraints on themselves in the interest of closing ranks and presenting a united front.

So I think our hearings should be held in executive session. No one of us wants to cause a scratch on a young American kid in Viet Nam—but there is a danger, out of all this, that they will not only be scratched but killed or maimed. And if there is that danger, then I think we should forgo the benefits—and there are benefits—of public discussion.

Dodd was opposed to broadcasting such discussions and was afraid that the Senate might inadvertently "give aid and comfort to the enemy." 88

86 Ibid., pp. 147-49. 87 Ibid., pp. 155-56. 88 Ibid., pp. 200-201.
The conflict between the idealistic view of observing constitutional technicalities and the pragmatic view of accomplishing the task at hand was unending.

Analysis

After the last session, Fulbright told reporters that Rusk "never did answer us on whether there would be consultation before a decision is made. He did not say positively he wouldn't." The reason for Rusk's noncommittal stance is more easily understood than public reaction to his stand. There was no general outcry against his evasive tactics on the question of decision-making. It would appear that the viewing audience resolved the problem without any appreciable mental anguish. While the New York Times editorialized that now the President should know "that the people have lost their patience," President Johnson drew heavy applause when he said to a VFW dinner audience, "I have never heard United States policy and our commitment so eloquently stated—and under such trying circumstances—than was done by Secretary Rusk in the last few days."

It is possible that two years after the 1966 hearings, the public was growing more weary of dissent than of the war. Polls during the period reveal war weariness but they do not contain evaluation of protest weariness. Rusk was calm and cool, his antagonists more emotional; Rusk was one, his

90 Ibid., p. 46. 91 Ibid., p. 15.
antagonists many. The American people may have developed an overriding admiration for Rusk because he appeared to be an underdog who could keep his nerve, not a power-mongering villain who could tie the hands of Congress and negate the will of the people. The form of the hearings was not persuasive to a television audience because the physical advantage appeared to be with the Committee.

Over a two-year period there does not seem to have been a significant shift of power back to the Legislature. The Chairman of the Committee was complaining about the same shortcomings in the Congressional-Executive relationship. Frustration had mounted and Fulbright had reached the point of trying to browbeat Rusk into giving an unqualified assurance on whether the Administration would practice consultation before making decisions.

The interpersonal distance between the Committee and its witnesses had grown more critical. There was even less common ground than before and the dialogue had settled into a tug-of-war among personalities. The Secretary of State still quoted the Gulf of Tonkin resolution as the Administration's ultimate justification and the Senators bridled at his doctrinaire position. There were fewer conciliatory attempts; positions were hardened.

Even while the hearings were in progress, a political event promised to shake the impasse. On March 12, Senator Eugene McCarthy won forty-two percent of the New Hampshire presidential primary vote against President Johnson. The
nation was shocked when, on March 30, President Johnson announced that he hoped to begin talks with Hanoi and that he would not be a candidate for President in 1968.

A change in the Administration's position, and a change in Administrations meant that for a time the hearings would move forward. The following chapter will evaluate the relationship between the Committee and the new Administration.
SECTION III

ENTERING THE CONSUMMATORY PHASE
CHAPTER VI

THE COMMITTEE TAKES ACTION

With a change in administrations, the Senate Foreign Relations Committee was forced to reevaluate its rhetorical goals. The President had announced a plan for the withdrawal of United States forces from Southeast Asia. Policies of the previous Administration appeared to have been left in the past. Fulbright and his fellow-dissidents had to decide how to help insure President Nixon's announced plan. There was little substantive policy over which to disagree but the Senators were still sensitive as to whether they would be brought into foreign policy decisions.

The Committee repeated its former practices of trying to persuade Administration witnesses to share top-level thinking. But by February, 1971, attempts at persuasion were fundamentally abandoned. Hearings began on serious legislative proposals which would have brought the war to an end. At the same time, sentiment grew for some kind of legislation which would force the President to bend to the wishes of Congress in war-making. A series of hearings on war powers legislation provided the most extensive collection of arguments on the division of powers.
issue of all the hearings. There was no fresh testimony, however; no new arguments were invented but rather a concentration of the old grievances and complaints. The difference was that the Committee was fully turned toward taking action rather than stopping with discussion as in the past.

First, it is important to see how the Committee behaved during the opening months of a new Administration.

The Administration's Honeymoon

The Nixon Administration did not wait long to respond to the Foreign Relations Committee. There was a thorough knowledge of the bad relationship between the last Administration and the Committee--Nixon did not want a repeat performance. His secret plan for ending the war was still tucked away and his "honeymoon" period with the country was not over. The Committee recognized that the time had not arrived for an attack on the forming policies of a Republican administration.

Secretary of State Rogers appeared at the end of March in a brief session with the Committee. The time was largely spent in getting acquainted and discussing the current state of the war. Chairman Fulbright was not slow, however, in explaining the Committee to the Secretary:

I am very hopeful that this new Administration will reevaluate our policies, especially reexamine the basic assumptions and attitudes which have prevailed during recent years in the highest echelons of the executive branch of our Government.
This committee does not wish to appear presumptuous but we do believe it is our constitutional duty to give advice as well as consent to the Executive. We believe that with all our limitations, by a frank and open discussion of important policies, we may assist in the development of wiser policies so that we may help avoid serious mistakes in the future.¹

Fulbright began to emphasize a new function, or at least label it differently, when he told the Secretary of State that he believed the Committee could "assist" the President. The word appeared frequently in subsequent hearings.

The Foreign Assistance hearings of 1969 show that the Committee was still accepting of the Nixon policies. The President had made his withdrawal announcement and the edge was taken away from the critics for a time. The 1969 hearing was a gentle breeze for the Administration compared to the prosecution of the 1968 hearings. There was almost no reference to Congressional approval of and participation in policy making. There were no complaints about Executive domination of Congress. The substantive issues of foreign aid occupied the greatest attention. There was one reference to public dialogue; Senator Symington felt Defense Secretary Laird out on whether the debate on foreign involvement was a good thing. Laird, who proved to be the Administration's best spokesman before the Committee, said:

I believe . . . that the debate which is currently going on is good for our country, good for all people in an open society like ours to have the opportunity

for the kind of open and frank discussion that has been going on in the U.S. Senate. I think America is strong enough to take this kind of debate. 2

There was a period in the first eight months of the President's term when he successfully opted his critics' proposals. There was little they could say against a President whose announced intention was to move American soldiers out of Vietnam. This illustrates the relationship between the power issue and the substantive question on the war. The Senate had no real complaints on its share of foreign policy power when things had fallen so completely in line with its wishes. Perhaps Senators felt their point had been gained through their efforts during the Johnson Administration. At any rate, the Committee's rhetorical goals were in disarray; the President seemed to have removed the exigency.

**Criticism Begins**

Critical Senators did not have to wait much longer to pick up their old causes. By October, there was rising alarm over American commitments to other countries in Southeast Asia. The Committee did not wish to be caught napping as it was in 1964. Hearings were opened on security agreements with Asian nations. The hearing on Laos was productive of the renewal of debate on congressional prerogatives and

---

Secrecy in government.

Senator Symington said he and his colleagues were worried about an American buildup in Laos and said the American people would also be worried if they had the facts: "We could run into the same kind of escalation in Laos we did in Vietnam." Fulbright agreed, "It seems to me a very anomalous situation." He deplored American military action in Laos as though a "full-fledged treaty" was in effect and he asked, "Is this a reflection of the previous Administration's attitude that the Constitution is of no consequence after all, that it is outmoded? You remember Mr. Katzenbach's famous testimony that the Constitution is outmoded." 3

The Committee continued its line of questioning when Administration witness William H. Sullivan, Deputy Assistant Secretary for East Asian and Pacific Affairs, was questioned about how Laotian operations had been authorized. Sullivan said that American troops were in Laos by "executive authority." When asked to enlarge on his statement, Sullivan said that he was referring to the "authority of the President to conduct foreign relations." Symington asked Sullivan if that meant the President could engage in combat on foreign soil without a declaration of war. Sullivan cheerily replied that American Presidents had done just

3 U.S., Congress, Senate, Committee on Foreign Relations, United States Security Agreements and Commitments Abroad--Kingdom of Laos, 91st Cong., 1st sess., October 20, 1969, p. 400.
that, many times, "without specific legislative assent."\(^4\) Symington later came back to the authority question in an indirect way. He said the Congress should have a greater understanding of American involvement in Laos, "especially in that under our theory of Government we are supposed to appropriate the money which makes all this possible."\(^5\)

The issue of secrecy was more thoroughly discussed than was authorization. Senator Symington charged the Government with throwing a "cloak of secrecy" around its activities. Important matters had been hidden from the legislative branch—"something we now seek to remedy." He warned that "without public support no Administration should wage a foreign war" and secrecy could not promote public support: "If whatever it is that we have done there is right, the American people deserve to know it. If whatever has been done is wrong, secrecy can only compound that wrong rather than right it."\(^6\)

Senator Fulbright was not so patient as Symington on the secrecy issue. This was an executive session so it is much easier to accept Fulbright's remarks as being for other than public consumption:

\[\text{... you are deceiving the American people and the Congress, and they do not know what to think, and I think you have created a situation which could become very difficult.}\]

\(^{4}\)Ibid., pp. 433-34. \(^{5}\)Ibid., p. 505. \(^{6}\)Ibid., pp. 365-66.
Supposing the President should change his policy or the force of pressure from people in this country who wished to increase the pressure. We can get into another full scale war up there! I do not know, I would think these are complete matters and it is much better to be open and above board with it and, at least, the Congress and the people participate in the decisions which result in their undoing.  

Fulbright was surprisingly blunt in his evaluation of the 1964 resolution, perhaps because he felt comparatively less pressure for allegiance to an Administration of his own party. He said he was "deceived by the Administration in what they told this committee at the time of the Gulf of Tonkin. I think it was an outright misrepresentation of what actually happened. . . ." Fulbright resented that deception and said that the American people also resented it: "I do not know why this should not be made public."  

Symington reminded Sullivan that secrecy had been a problem in the previous Administration. The war was escalated without public knowledge. The purpose of the hearing was to prevent that from happening again:

These hearings are an effort on our part to help The Administration get things straightened out, because at the same time the President is emphasizing the importance of deescalation in Vietnam, the figures . . . emphasize there has been a heavy escalation of our military effort in Laos. Without a question of doubt it is going to be necessary to explain that.

Symington believed that the people had a right to know and warned the Administration that it could encounter problems like "the sad developments that occurred with the last

7Ibid., p. 404.  
8Ibid.
Administration as a result of their masking so much that they were doing with respect to the Vietnam war."

The next month, Secretary of State Rogers appeared in order to brief the Committee on Vietnam, and he was faced, almost immediately, with the spectre of a public hearing. Senator Case asked Rogers whether he thought it would be "helpful to the cause of peace" to "go into a full-dress consideration of the war." Case thought it had been useful in the past "although it caused great pain in some quarters, and anguish among many sections of the people" and it ultimately would help the Administration cause since "what the President does and you do will depend upon support by the American people. And this support can be based only upon confidence that they know what is going on." Predictably, Rogers was not enthusiastic about a public hearing. He said that no issue had ever received more debate and discussion, no war had been as thoroughly covered by the press. His reservations were not simply based on a fear of too much discussion; he was nervous about the effect a public debate would have on the North Vietnamese:

Let me say this. As we see it, if we could have considerable public support for a while and without too much public debate--I am not recommending that we oppose dissent; we realize that you people are going to talk about this a lot--but if we could have relative support for a while, we think that the other side might feel that they would be better off to negotiate a peaceful settlement.

Ibid., October 21, 1969, p. 474.
He concluded that "their one hope is that there will be an erosion of public opinion here. And I think that probably another public session by this committee would cause erosion." 10

Senator Javits questioned Rogers on matters which Rogers declined to answer. Javits' philosophy of the Committee function was that even if questions were not answered, the constitutional function of advise and consent was being fulfilled. 11 He was kinder, it seemed, to a member of his own party in a difficult situation. Javits was to introduce a resolution which would rescind the Gulf of Tonkin resolution and he laid his groundwork in the November hearing. He asked, "Is this administration placing any weight in terms of congressional authorization in the Gulf of Tonkin resolution?" Rogers answered that the Administration had not given any thought to the legality of the resolution, but rather the practical aspects; the war was well underway when the Nixon Administration entered office. Javits then asked how the Administration might feel about withdrawing congressional authorization of the resolution. Rogers was quick to object to that idea and the following dialogue was recorded:

Rogers: I can tell you that right now. I think that would be unwise. I hope we can just quit arguing

---


11 Ibid., p. 41.
about these things and all get on the same wavelength. I mean we are there now, and the Gulf of Tonkin is such an emotional issue, and it was fought over so long and so hard and so many people feel so strongly about it. I do not want to—I do not see why it helps to get back in that argument.

Javits: Well, except that everybody would then be on their own. The President would be exercising his power as Commander in Chief and the Congress would be exercising whatever authority it had over the war without having surrendered any of it in what has been popularly called a blank check.

Case: The President could clear it up by making one little statement, saying he was not relying on it. Javits: That is why I suggest they think it over. Thank you very much.\textsuperscript{12}

Senator Case was interested in knowing what the President had in mind for the length of time which would be required for a complete withdrawal. He advocated a plain statement from the President on his intention. Rogers was distressed, and was beginning to show the strain of the Committee's questions:

Well, and say, he has made the decision. He is the President. We would hope that you would accept it. We would hope that you would watch. Could you not wait and let him try, wait to see how it works out?

We have not misled you up to this point. We do not intend to. Just see what happens for a while. But you have a feeling that people are not ready to accept the presidential leadership. But he is President. He cannot tell everything. He has told as much as he thinks he should in the public interest and I think if you watch developments you will be rather satisfied as things go along.

Case would not accept the Secretary's proposition. Neither he nor the American people could wait and see; they needed to have full information to support the President's policy.\textsuperscript{13}

\textsuperscript{12}\textit{Ibid.}, p. 42. \textsuperscript{13}\textit{Ibid.}, pp. 43-44.
The next day, Secretary of Defense Laird was before the Committee. He gave a statement on the progress of Vietnamization and asked for unity behind the policy: "In my view, the greatest obstacle to peace in Vietnam is the belief of the leaders in Hanoi, continued by the outcome of their war with France, that public opinion in this country will force the President to capitulate in order to end the war."\(^\text{14}\) But Laird, a former member of the House of Representatives, was much more relaxed about the hearings. He was not in favor of public hearings on such sensitive issues, but he seemed genuinely pleased at the outcome of the closed sessions. He was glad the record of the hearings would be released so that "the people on the outside do not think we are just deciding things here in this committee that they have no knowledge of."\(^\text{15}\)

The most overt attempt to modify specifically the President's foreign policy came in February, 1970. Several proposals had been formally introduced to the Senate and were before the Committee along with their originators. For example, Senator Goodell had a bill for cutting off all funding for the war a year from date of passage. He believed that it would effectively end the war. Senator Javits also had a proposal and he saw a dilemma in the Goodell bill:

> Suppose the President vetoes the bill, as he is very likely to do? Then the Congress has either to

\(^\text{14}\)Ibid., December 19, 1969, p. 64.

\(^\text{15}\)Ibid., p. 131.
pass it over his veto, in which case Congress takes the full responsibility and practically denudes the Executive of foreign policy authority, if it does not override a veto, then it confirms a policy which could then become more warlike than is dictated by the true sentiment of the country.

Javits believed the bill avoided the issue of advise and consent and wondered whether repealing the Southeast Asia resolution would better restore a proper balance of power. Goodell pointed out that repealing the 1964 resolution would not prevent the President from continuing with the fighting. Javits maintained that repealing the resolution was a more logical first step and would permit the Senate to cut off funds later.16

Republican leader Hugh Scott also had a resolution which would put the Senate on record as approving and supporting the President's peace efforts. He said it did not function to transfer any power to the President as the Gulf of Tonkin resolution did. He said the 1964 resolution was "too broad a grant of authority."17

Javits confronted Scott with the secrecy issue; the President said he had a plan but could the Senate "exercise our advise and consent function unless we are appraised of that plan?" Scott said that the Senate did not need every detail to advise and consent. Javits agreed, but "should we adopt the resolution of the leadership that represents a


straight vote of confidence in the Administration on the handling of their war policy respecting Vietnam, really, with no questions asked?" 18

There were other questions directed at Senator Scott, mostly reflecting the suspicion that an approving resolution would encourage the President to believe the Senate supported all of his actions. Little enthusiasm was expressed for the Scott resolution. There was a bit more interest in the Javits proposal to rescind the Gulf of Tonkin resolution. He supported his proposal as being more moderate and palatable than one which would cut off funds. He was careful to explain that the Administration had already said it was not relying on the resolution. He saw a new opportunity for the Senate:

Present policy on operations in Southeast Asia ought to be able to be justified on their own merits and should not be continued or defended on the basis of the events leading to and immediately flowing from the Gulf of Tonkin resolution, which is by now certainly obsolescent. I believe, therefore, that a termination of that authority is essential. 19

One of the most interesting resolutions was that of Senator Charles Mathias which would have rescinded every resolution, beginning with the 1955 Formosa resolution, which the Senate had passed to give approval to solitary presidential conduct of foreign policy. Senator Mansfield was a sponsor of the resolution. He expressed his support in mixed metaphors:

18Ibid., pp. 77-78. 19Ibid., pp. 103-105.
I think it is about time for us to look at our hole card and face up to our responsibilities, get up on our hind legs, work with the President and see if we can't bring some well-based hope for peace to our people rather than go on with old outworn policies which no longer are valid.

If any of these resolutions and actions of the past are valid, there is no reason why they can't remain on the books. If they are not they should be taken off.20

He added that the Mathias resolution offered "light at the end of the tunnel."21 Senator Mathias said that he hoped "it would signal a new determination by Congress to exercise fully its powers on the vital questions of war and peace."22 He observed he did not wish to place unreasonable restraint on the President's power:

The fundamental question involved in this resolution can be bluntly stated: Is Congress, is the Senate--with its constitutional responsibilities in this realm--either obsolete or optional in the making of American foreign and defense policies? The question may seem impertinent, particularly at a time when the Senate is moving to play a larger role in this field. But despite the recent assertions of congressional authority on national commitments and other matters, an influential school of academic and governmental opinion continues to believe that international relations are too technical, complicated, and machiavellian to be understood or responsibly managed by non-professionals.23

The Committee members were more interested in the repeal of their old action, the Gulf of Tonkin resolution. There was extensive discussion and there were many statements of support for the Javits resolution. Interestingly,

21 Ibid. 22 Ibid., p. 163. 23 Ibid., p. 167.
the resolution which the Senators seemed most likely to pass—and eventually did—was one in which the Executive branch had no stake. Chairman Fulbright expressed his gratification that the Administration was willing to go along. Under Secretary of State Richardson was laconic about the whole affair. It really made little difference to the future of the war:

Regardless, in any case of the extent of the President's general constitutional authority to employ troops abroad, he certainly does have in our view the authority as Commander-in-Chief to take all reasonable measures to protect those troops once they are engaged and to secure the conditions that make possible their orderly withdrawal under circumstances that contribute to a durable peace.

I might simply add that these activities, of course, have been widely known to the general public, to the whole world, and, of course, the Congress itself, and the Congress has supported the President in his current efforts, including its position in the appropriations, without which our military efforts could not be continued.24

Fulbright, of course, was unwilling to accept Richardson's statement at face value. He admitted no constitutional grant to the President of unlimited authority and maintained that "in a major operation involving a substantial number of troops and prosecuting a war as against an emergency action . . . we can agree that Congress will be consulted. The matter will be subjected to debate and there will be requested of Congress a declaration of war . . . ." He went on to say it made little difference whether there was a declaration of war or a joint declaration, so long as

24Ibid., p. 314.
Congress had an active part in the decision.\textsuperscript{25}

Then Fulbright turned to another problem, one he had discussed often with Secretary of State Rusk. He wanted a direct and specific answer to the question, "Does this Administration believe it has the power to engage in war abroad without the authorization of Congress?" Richardson referred to a guideline in an Administration paper which said that if treaty commitments needed to be put into effect or if American interests were threatened, "We would wish to see Congress at that time fulfill its proper role under the Constitution in the decision-making process. We would keep the appropriate committees and the Congressional leadership fully informed and would cooperate to the maximum . . . ."\textsuperscript{26}

In May, the Senate Foreign Relations Committee members seemed even more despairing about ever bringing the war to a close. General Gavin was invited to a Committee hearing, along with members of the clergy, to discuss the morality of the war. Fulbright was delighted with the views which were expressed but frustrated at the lack of exposure the hearing would likely receive:

I think you have spoken the truth this morning in the light of history and based upon the most extraordinary, almost unique, experience of any men I know in the country. Yet I know of no way to bring what you said to the attention of the public of this country. Only the office of the President has that

\textsuperscript{25}Ibid., p. 315. \textsuperscript{26}Ibid., p. 317.
capacity, no matter who is in that office. It is so frustrating to have the kind of testimony we have had this morning and have it buried here within the confines of this room with an occasional small notice of it in the back pages of a few of the papers and on the television. There no doubt will be at least a minute or two in one of the news columns that you appeared here today, but they can't possibly convey the significance of what you said because they do not do it that way. 27

But he was encouraged by the way in which the public was reacting to the overall dissent against the war. He said the past ten days had brought fifty thousand letters and twenty thousand telegrams, ninety percent protesting the invasion of Cambodia and most of them asking for withdrawal from Vietnam. He knew the circumstances were unusual, but, "I have never seen anything like it." 28

During May, the Committee was scheduled to hear testimony on how the war had affected the United States economy. There were several days of substantive discussion on economic issues, but there were also numerous examples of the Committee's growing impatience over not being consulted in advance of military actions. The Chairman seemed on the verge of proposing some kind of action:

We are not dealing immediately with a piece of legislation. I wish we had a piece of legislation. I wish we had one that could say we vote for or against the war. I don't know quite how to bring that to an issue in a legislative way under our system. That is more or less a matter for the electorate at every election time. We may have an opportunity on part of it in the appropriation


28 Ibid.
process. I may say up until recently at least I believe that the majority of the representatives in the Congress supported the war.

He believed that the hearings had served to make the Government "more responsive." 29

In retrospect, the most exciting event of this series of hearings was the discussion with Daniel Ellsberg, who was to release his classified study on the war a few months later. Ellsberg brought a lucid collection of insights to the Committee on American involvement, the first fresh perspective in several months. He had an interesting perspective on dissent:

Personally, I have thought in the last couple of years of protest in this country that it was still possible to exaggerate the threat to our society that this conflict posed for us. I feared that we might come to a pass in which there would be a major threat to our society but that we were not there yet. I am assured that we do still survive as an American nation by the protest in this Nation to the recent Presidential decisions on Cambodia. But I am afraid that we cannot go on like this, as seems likely unless Congress soon commits us to total withdrawal, and survive as Americans. There would still be a country here and it might have the same name, but it would not be the same country. 30

Ellsberg was impressed that Senator Fulbright had used the word "shame" to describe his feelings about the Gulf of Tonkin resolution:

That word leaped out at me because I had not remembered seeing an American official use such a word or in any way imply a sense of personal responsibility to that


degree. It is almost un-American to do so, it would seem. There were many people involved in that incident, but you are the only one I have heard admit responsibility and regret. I think your word seems appropriate for you in your position and I think you have done a service for the Senate in the eyes of the college students and of the older people of this country, as they look at people who like to think of themselves as the establishment or the power holders, the decisionmakers, in having the courage and character to acknowledge that publicly. I think that helps.31

Perhaps Fulbright's word inspired Ellsberg to act as he did in releasing the "Pentagon Papers." At any rate, Fulbright seemed modest about his contribution in holding hearings:

I hope we are doing better. At least we are not falling in line like sitting ducks as we did then and we are trying to make an effort to inform the Senate and the public before we get deeper and deeper into greater difficulties. Whether we have any success or not remains for history to prove, but you gentlemen have made a great contribution in my opinion.32

Senator Javits referred to a "constitutional crisis" which had overtaken governmental processes. The problem, he said, was how the President and Congress could share responsibility in dealing with the war. Fulbright was stimulated by Javits' use of the phrase, "constitutional crisis" into a long monologue. He agreed that the Senate had allowed the President to have an "exaggerated role."

He thought this was partially because of television:

If you read the Constitution very carefully and forget about the fact that the President is the only one now, due to technological advances, who can speak to the American people, the Founding Fathers contemplated a very active role for the Congress.

31 Ibid., p. 332.

32 Ibid., p. 333.
It is right interesting today that everyone seems to assume the President is the office to which we must all bow down and that the Congress should go along with whatever he likes. I think this has arisen due to the development of television more than any other thing because the President is the only one who speaks to everyone.

He said of the Legislature, "The rest of us speak with small voices and diverse voices and make little impact."  

Fulbright went so far as to say that he believed "the people who created this country felt that the Congress should be ... the dominant force." He had a warning for the Legislature and for the country:

"This idea that we should be quiet and let the single individual do it, I think, is clearly against the spirit of the Constitution. This is another thing that has been growing up recently, which I think distorts our whole constitutional system. If we are ready to abandon it, that is one thing, but I do not think we are. I think that one of the greatest perhaps faults of the Congress is in allowing the President to get this much power."  

The problem of obtaining information was related to an "exaggerated idea of the presidential power."

Hard on the heels of the Cambodian incursion, the President ordered the raid on a POW camp in North Vietnam. It was just one more blow to the balance of power in the Committee's mind. Secretary of Defense Laird was summoned to a hearing with the Congress before the bold incident took place. Laird handled the criticism well, never allowing himself to be placed on the defensive. On paper, at least, Laird was an able replacement for Secretary of State Rusk in

\[33\text{Ibid., May 19, 1970, pp. 404-405.} \quad 34\text{Ibid.}\]
the defense of policies and philosophies which were basically the same:

Secretary Laird: I know that there have been people in the Congress critical of the Department of Defense for not coming over here to Capitol Hill and informing the various committees of the action we intended to take on this search and rescue mission near Hanoi, and that somehow or other this was considered a matter on which we should have consulted with the various committees of the Congress. I heard the criticism last night.

This kind of criticism bothers me because I come from the Congress. I was elected over here for nine terms. I want you to know, and I want the members of this committee to know, that this kind of search and rescue mission would not have been successful and these men might not have returned, if we did not maintain the kind of security that we did on this mission. I put a lid of security on the training.

This was held very tightly, and I do not believe that this mission or any future missions should be matters that we consult with congressional committees or Members of the Congress.

The Chairman: I most certainly was not asking you to tell me now that you planned for another raid. That is not the point.

Secretary Laird: Secondly, on an entirely different matter, the protective reaction strikes, this committee was fully informed by me, as well as other Administration witnesses, that protective reaction would be taken if the understandings, as we understood them, were violated at any time.

The Chairman: That is an entirely different point. Of course, it is true this committee felt—not only in this case, but I think even more strongly in the case of Cambodia. The Secretary of State happened to have been before the committee just 3 days before the incursion took place and never gave the slightest intimation it was going to take place. We did think we had been had in that case. You are not involved in that particular. It is not your responsibility to brief this committee on that type of thing, and I am not saying that to criticize you.

Secretary Laird: I am always delighted to appear before your committee, Mr. Chairman. 35

A hearing on an Administration request for supplemental funds was the occasion for some debate on refusing funds for further Cambodian operations. The Administration seemed to be wanting to comply with Senate demands for consultation and found it difficult to make headway. Senator Church was one of the chief antagonists for this hearing:

"We don't want blood to follow money . . . since it has happened before, we should take every precaution to see that it doesn't happen again." He hoped that the authorization bill would have direct "restrictions against the introduction of American military personnel, of American technicians, of American instructors, of American advisers, of the kind of bureaucracy that has always followed . . . ." Secretary Rogers answered in a circular fashion: "As an administration we have not favored restrictions on the President's authority because we think that constitutionally there is an advantage not to have major restrictions."36

Senator Symington had become more brittle since the Cambodian operation. He pursued Rogers on the question of whether the Administration really needed the authorization of funds. It was apparent that the incursion had been undertaken without coming to Congress for funds: "If the Congress approves the amount requested for Cambodia and it proves insufficient, will the administration come to Congress

and ask for more or will it use the loopholes in the law to give Cambodia more as it has done so far?" Rogers ponderously explained why he thought the legislated funds would be necessary. Symington was not satisfied. He said, "Well, you have solved my problem inasmuch as you have $300 million that you could use and that is a lot more money than what you are asking for, I shall probably vote against the aid to Cambodia because you already have the money." 37

Senator Fulbright was tired. He seemed resigned to a situation in which the Senate would be left out of Government decisions. He was fatalistic—it was all a matter of uncontrollable circumstances. After reviewing statements of Presidents Eisenhower, Kennedy, and Johnson that there would be no American involvement in Southeast Asia, he said, "I think your intentions are what you say they are, but all of this experience indicates that events overtake these intentions and bury them, regardless of what your intentions are." Then, when events catch up with intentions, "you find a way to override us . . . ." and there is a necessity of "overlooking of the Congress which you cannot resist . . . ." 38

A second series of hearings on legislative proposals for ending the war began in the Foreign Relations Committee on April 20, 1971. The bills and resolutions under consideration bore a great resemblance to each other; all of them

37Ibid., pp. 33-35. 38Ibid., p. 51.
were for the termination of the war, most of them wanted to terminate the war at a faster rate than that of the President. Some proposed to reduce funding gradually until all the troops were out of Southeast Asia. Only one, sponsored by Vance Hartke, called for precipitate withdrawal.

Chairman Fulbright opened the first session with a slap at the "fraudulent" Gulf of Tonkin incidents. George McGovern was introduced to describe the McGovern-Hatfield Amendment which would set a deadline of December 31 for a total withdrawal. He said its passage would be a sign that the legislature was willing to "share any political hazards" with the President in bringing the war to a close. Subsequent sponsors introduced their bills and resolutions. Senator Cooper summarized what he saw as the "three main proposals" which had been made: one would have a fixed date for withdrawal, the second was the President's Vietnamization plan, the third would be a "policy statement by the Congress and subsequent action by the Congress which would cut off funds except for the withdrawal of forces, and for their protection against imminent danger." Cooper opposed the McGovern-Hatfield fixed date amendment on constitutional grounds: "Your bill has troubled me somewhat because while

---


40 Ibid., p. 31. 41 Ibid., p. 55.
I think the President is intruding on our constitutional authority now, I think yours would in some degree intrude on his."\(^42\)

The three proposals were the most specific attempts to end the war and wrest away presidential authority which had ever been introduced into the Committee. It will be shown that the Senators on the Committee were less content to discuss their problems and more ready to take direct action.

**A New Awareness**

On the first day of legislative proposals, a new emphasis was brought to the hearings. It had begun with the legislative proposals hearings of 1970, but reached a clearer enunciation in 1971. Instead of asking what the proper role and constitutional powers of Congress were, several Senators unqualifiedly stated that the Congress had all the power it needed. Senator Pell said:

> We all know that any time this war was wanted to be ended in the last few years, a majority of us in the Congress had the power to do it. We passed the buck to the President . . . but we were the ones who had the power to do it and we declined to accept that responsibility.

> The reason we declined to accept that responsibility was that the majority of Americans thought this was a great war until a couple of years ago and I am afraid a lot of Americans may still agree with that. I do not know. Even now the majority of Congress are not willing to take the bit by the teeth and terminate the war when the time comes.\(^43\)

\(^{42}\)Ibid., p. 56. \(^{43}\)Ibid., p. 87.
Vance Hartke supported Pell's contention as he spoke for his withdrawal bill: "We have it in our power to force a change in this shockingly misguided policy." Alan Cranston echoed Hartke: "In the absence of Executive initiative and in the face of growing popular revulsion with the war, the Congress must play the decisive role by exercising its constitutional power."44

The power theme was modified by these Senators, Pell being the only member of the Senate Foreign Relations Committee. They sounded as self-assured about their political potency as had Secretary of State Rusk in the earlier days of the hearings. There were no complaints about declining congressional influence, and there was no analysis of constitutional grants. They were ready to manipulate the appropriate political levers and bring the declining involvement to a complete halt.

Two factors may account for this new attitude. The Fulbright Committee's rhetorical campaign had helped produce a more amenable legislative climate. The country as a whole was beginning to grow tired of both the war and protest so that Senators could speak out as they did without fear of losing their constituency; Hartke and Cranston were both elected on their anti-war positions. The rhetorical situation had altered, the exigencies were different and these men responded appropriately to a new set of circumstances.

44Ibid., p. 100.
Fulbright, however, along with the older Committee members, seemed not to have grasped the new rhetorical exigence. Their methods and subject matter differed only slightly from the hearings of 1966. Fulbright was reluctant to move into the arena of action, preferring instead to continue his rhetorical campaign to educate the nation. He was a thoughtful, investigative man who would try to squeeze the last, small variation from each witness. Fulbright believed that the war and the loss of legislative influence in foreign policy had root causes which would have to be modified before any further progress could be made. Speaking at the Yale Law Journal's banquet, he said the question at hand was "whether we are to remain a constitutional democracy or degenerate into an imperial dictatorship." He said that America should recover its "mistrust of power" if parity were ever to be reached.

He showed his half-hearted support of legislative proposals to curb presidential authority when he said that they would not "arrest the long-term trend toward authorization government." The only solution was to change the American role in the world:

The real question is not whether we can adapt democracy to the kind of role we are now playing in the world--I am sure we cannot--but whether we can devise a new foreign policy which will be compatible with our traditional values, a foreign policy which will give us security in our foreign relations without subverting democracy at home.45

45New York Times, April 4, 1971, p. 27.
But he still believed that "our best defense against creeping authoritarianism is an assertive, independent legislature." As the series on legislative proposals wore on, Fulbright was made aware of the need to reconsider his rhetorical strategy and to try a different approach.

Protest Groups Meet the Committee

The second day of hearings, April 21, produced statements on the division of powers and constitutionality issue. Senator Mondale presented his bill which would have required congressional authorization before invading North Vietnam. He said that "A President who took such a step without prior congressional approval would quite simply shatter our already fragile national unity." Senator Fulbright asked, "Do you think the President presently has legal constitutional authority to send forces to invade North Vietnam?" Mondale replied that the old constitutional injunctions had become "so eroded that I think it is terribly important that Congress make clear its intentions through resolutions of this sort." He believed it would "take several years of strong affirmative action by the Congress to correct the damage that has been visited upon those powers over the last 20 or 30 years." Mondale was another who was not a member of the Committee, ready to act

46 U.S., Congress, Senate, Committee on Foreign Relations, Legislative Proposals . . . , April 21, 1971, p. 146.
47 Ibid., p. 162.
rather than discuss. But he was a realist who recognized that the Senate would have to continue its campaign with discussion and legislation in order to gain its desired position in the decision-making process.

Senator Gruening, one of the earliest Senatorial dissidents, spoke in behalf of the McGovern-Hatfield bill and pronounced a benediction on Chairman Fulbright: "Mr. Chairman, I certainly want to commend your persistent efforts to try to see that the Congress carries out its constitutional role and that it becomes a coequal branch with the executive and the judiciary." He added that success in those efforts was important for more than just wartime; it "is a matter of permanent necessity . . . ." 48 The grand old man of anti-war dissent was greeted with an enthusiastic reception by the youthful spectators who were present. He was applauded for his anti-war sentiment, but his most real accomplishment had been the revitalization of an anti-Executive feeling within the legislature.

During the week in which the hearings were scheduled to begin, the Vietnam Veterans against the War came to Washington to demonstrate. They appeared alienated from society, many were long-haired and bearded. The shock effect was increased by their military uniforms and medals, contrasting with the usually disciplined look of men in uniform. They marched, heard and delivered speeches, conducted

48 Ibid., p. 173.
guerilla street-theatre and defied a Supreme Court order which banned them from sleeping on the Capitol grounds.\textsuperscript{49}

Their leader, John Kerry, appeared before the Committee to testify against the war. He was well-received and thoroughly questioned by the Committee and made an excellent case for the legitimacy of his group and the criminality of the war. His presentation was well-ordered, though passionate, and belied the usual impression of illogical protestors.

Other groups of young people were present in Washington during this period of time. On April 28, Jay Craven, a leader of "Students and Youth for a People's Peace," was allowed to speak to the Committee. The only Senators present were Fulbright, Pell, McGee, Aiken, Javits, and Scott. Unlike Kerry, Craven had some words about the constitutional aspect of American involvement. Speaking of the fighting in Laos and the bombing in all of Southeast Asia, Craven asked, "Why has the Senate, the Congress of the United States, not authorized or even been consulted in this activity?"\textsuperscript{50} An accompanying member of the organization, Chip Marshall, spoke scathingly to the Committee of its activity and of the activity of Congress:

\begin{quote}
I know when I was growing up and took first grade, second grade, third grade civics classes, we learned that the Congress and the Senate had the power to make war and had the power to make treaties, and yet the
\end{quote}


\textsuperscript{50}\textit{U.S., Congress, Senate, Committee on Foreign Relations. Legislative Proposals . . .}, April 28, 1971, p. 214.
Congress and the Senate have totally abdicated that responsibility, bent under the pressure of Nixon and done nothing. So the people of the United States have been forced in themselves to take things into their own hands . . . and I think that even includes in many respects some of the Senators who came to be anti-war Senators.

I know, for instance, Senator Fulbright and Mr. Aiken, both of you have for a long time been known to us as friends of the anti-war movement, and yet you have to understand how this committee itself has functioned, because what this committee has done so often to anti-war protests is that it has given an escape valve and you have done the dirty work of the administration in a certain sense by appearing to be a legitimizing factor and people can say, "Look hold it, young people, right over there is the Foreign Relations Committee, right over there is Mr. Fulbright, Mr. Aiken, people who are for peace, let them do it for you, let them act for you." 51

He challenged the Senators to take action and implied they really did not want to act for peace:

If you were sincere, right now, tomorrow, you could go into the Senate and begin a filibuster, begin filibustering and saying, "We are going to talk for peace," continue talking for peace and allow no appropriations to go through . . . . 52

The session was a turbulent one, with young people and Senators finding less sympathy for each other than might be expected, considering that all were against the war. The students had little concern for constitutional or procedural problems. One of the woman witnesses could hardly go past the issue of women's power status. She spoke angrily to Senator Aiken: "The degree to which you expressed a feigned ignorance of women's powerlessness in this country is the degree to which sexism is embedded in this society, as

51Ibid., p. 224. 52Ibid., p. 226.
reflected in the Congress. Just your rudeness in interrupting me is an example."\(^{53}\) The Senators were not altogether calm. Aiken had, in a sense, provoked her reply: "American womanhood plays a tremendous part because of what good it does for us in this country. But why the hell do you stay here if there are other countries that are so much better? That is what I want to know. There is no law against your leaving the United States any time you want to."\(^{54}\)

This confrontation shows that even those legislators who were strongly anti-Executive on the war power question and who opposed the war vigorously still held a fundamental bias toward the orderly conduct of legislative affairs. They may have been grouped with street demonstrators in the Administration's rhetoric, but they were not sympathetic with all of them. The essential views held by John Kerry and the members of Students and Youth for a People's Peace may have been very close, but their manner of presentation resulted in different kinds of response on the part of the Committee members.

Other hearings were scheduled on other legislative proposals but Fulbright found himself in the position of one who was engaged in a crusade which no longer seemed to interest the public or the leaders. There were significant witnesses, such as John W. Gardner, but as the hearings went on there was less press attention and less interest among

\(^{53}\text{Ibid.}, \text{p. 233.}\)

\(^{54}\text{Ibid.}, \text{p. 232.}\)
the Committee members than ever before. The rhetorical campaign appeared to have lost its inspiration, even as public opinion was beginning to reflect Fulbright's position.

A Louis Harris Poll released on May 3, 1971, showed a decisive shift in public opinion on the war. A large majority felt that the move into Laos was a failure. Sixty per cent favored continuing the withdrawal policy "even if the government of South Vietnam collapsed."\(^5\) The poll gave courage to Senator Fulbright as he spoke to Under Secretary of State John N. Irwin on his view of the Nixon Administration: "What you suggest to me is that the administration feels that the Senate has no business at all prying into these matters, what the President is going to do is secret, and we ought not to be asking questions." Fulbright charged that "Never before, certainly to my knowledge, has any administration gone so far in declining to give information to this committee."\(^6\)

On Tuesday, May 11, Senator Thomas F. Eagleton of Missouri spoke to the Foreign Relations Committee after his trip to Southeast Asia. He was against continued American participation and shared the Committee's opinion on the war's unconstitutionality. He believed that the repeal of the Southeast Asia resolution brought to an end the President's authority to continue the war: "Constitutionally


\(^6\)U.S., Congress, Senate, Committee on Foreign Relations. Legislative Proposals ..., May 3, 1971, pp. 275-76.
speaking, without the Gulf of Tonkin resolution, the President has only one duty to perform, the swift, safe extraction of American forces from the totality of Southeast Asia . . . ."\(^{57}\) He was in favor of a legislated end to the war.\(^ {58}\)

John W. Gardner, former HEW Secretary, appeared the same day with favorable words for the Committee and an evaluation of its effect on the balance of power:

The power and influence of Congress vis-a-vis the executive branch must be reasserted, and no one has stated the case for that reassertion more cogently, nor labored more diligently to that end, than the distinguished chairman of this committee. I believe that we are already seeing the beginnings of a shift. In recent decades the people have looked to the President for the great changes in national policy about which they cared most deeply, but they are not turning to Congress. When the historical record is written, I believe it will show that the rebirth of congressional influence was most vividly foreshadowed by the vigorous and independent functioning of this committee.\(^ {59} \)

Gardner's testimony was weighted in favor of the Committee's view of presidential vs. congressional authority in war-making. He noted that in 1965 the State Department held the Gulf of Tonkin resolution to be their legal basis. The resolution was repealed in 1969 but the war was still going. He summarized:

The U.S. Constitution asserts that the power to determine when and where we go to war rests with Congress, not the President. While the President's powers to conduct a war in progress are broad indeed, it is clear that the Constitution envisages a sharing

\(^{57}\)Ibid., May 11, 1971, pp. 325.

\(^{58}\)Ibid., p. 333.  

\(^{59}\)Ibid., p. 341.
of the power to make war. We must return to the wisdom and balance of the Constitution. Congress cannot allow continuance of a war from which it has explicitly withdrawn its authorizing support. It must exact into legislation the desire of the American people for a complete military withdrawal.60

Several witnesses asserted that Congress had the power to end the war and should simply vote it out of existence. Members of the Committee were not responsive to that point of view. Senator Fulbright even seemed perplexed at times about what to do next. He asked retired General David M. Shoup, "What can the Congress do? What can this committee and the Senate do to persuade the President to change the policy to a more immediate conclusion of the war?" Shoup was not too helpful in the specifics: "If I may enter the possibility, too, I think the time is right now and increasing in which the great Congress can, through the simple fact that their constituents want this war over." He said that Congress should forcefully inform the President of public opinion.61

Senator Fulbright commented on the difficulty of moving the Government into a different position:

This has been talked about so much. I do not know, frankly, what to do other than what we are doing, which is having a hearing, and this seems a very mild and ineffectual thing to do, although it is all I can think of.

It is all I have the jurisdiction to do in this committee. I do not know how to dramatize and to bring the logic . . . to the attention of the public and the

60Ibid., p. 343.
President so that it would induce action. The practical matter is that, as I said before, unless we can persuade the President to accept this idea that now would be the time to move, I do not think anything can be done.\(^{62}\)

He commented on the persuasive effect of the current series of hearings:

How to get this across. This must be the eighth or tenth meeting on this subject. None of them have been more interesting to me certainly than this, but there has been almost no notice taken of the previous hearings, whether they consisted of a general or a scholar.

Fulbright was dismayed by the lack of newspaper coverage and doubted that Nixon had taken "the slightest notice of it, if he ever knew about it." He noted that not even the Committee would be easy to persuade in approving a cutoff of funds through the McGovern-Hatfield amendment--only Fulbright, Aiken and Case were present on the 26th, indicating that it was low on their priority list.\(^{63}\)

The next day only Fulbright and Cooper were present to hear Representative Andrew Jacobs of Indiana. Fulbright commented that he was beginning to feel that the American people were bored with the subject of Vietnam as well as the members of the Senate Foreign Relations Committee.\(^{64}\)

War Powers Legislation

On March 8, 1971, hearings began on war powers legislation. Two joint resolutions and one bill were introduced. After hearings which stretched through the spring

\(^{62}\)Ibid., May 26, 1971, pp. 585-86.

\(^{63}\)Ibid., pp. 588-89.

\(^{64}\)Ibid., May 27, 1971, p. 598.
and summer of 1971, a bill was reported out of the Committee called the "War Powers Act of 1971." Its provisions allowed the President, without a declaration of war, to respond to an attack on the United States or its forces and to use United States armed forces to protect American citizens being evacuated. No treaty would be regarded as authority for use of armed forces by the President. Any military action initiated by the President could not continue beyond thirty days without Congressional approval. Fulbright said in his opening remarks that the hearings were on legislative proposals which would implement the national commitments resolution of 1969.

The first day of hearings was with Henry Steele Commager, Professor of History at Amherst College, a familiar guest to the Committee. Fulbright was in no hurry to report the legislation out of the Committee and he continued in his usual practice of calling on the testimony of intellectual leaders before a vital issue was settled.

Commager defined the problem of the Executive use of his war powers, saying that it was a continuation of crises going back to George Washington's day. He suggested that there were "new ingredients" in the world situation which made historical precedents useless. Instead of


66Ibid., p. 1.
domestic or hemishperic commitments, the United States now has global commitments. While the "unlimited power of the Executive in foreign relations" was once looked on as an emergency provision, it is now considered to be a normal right. He charged that "the constitutional concept of a declaration of war has been hopelessly impaired by the Presidential interpretation of the Tonkin Bay resolution." He must have inspired J.W. Fulbright's comment to the National Press Club on April 4 by his contention that:

The problems that confront us cannot be solved by debates over precedents, by appeals to constitutional probity, or by confronting presidential power with congressional. These may mitigate but will not resolve our crisis. For all of these gestures address themselves to symptoms rather than to the fundamental disease. That disease is the psychology of the cold war; that disease is our obsession with power; that disease is our assumption that the great problems that glare upon us so hideously from every corner of the horizon can be solved by force.

In that statement, Commager subsumed the whole issue of constitutionality. It should be noted that supporters of the extensive use of Executive power also move beyond the constitutional issue. They argue, however, that ideological considerations--defeating "aggression" or "communism"--are the larger issues. As a rhetorical strategy, it tends to move the debate into a rather indefinable area. The Committee members were legislators and they were forced to deal with less imposing subjects such as legality. Fulbright made every opportunity in every major hearing after 1964 to

67 Ibid., p. 9. 68 Ibid., p. 12. 69 Ibid., p. 17.
expose the Senate and the public to the larger issues but the Committee's rhetorical confrontation remained in the area of declarations of war and secrecy in government. These subjects, in fact, constituted the larger part of the March 8 discussion with Commager. No new arguments were devised in the exchange.

In the War Powers hearings, Fulbright exhibited an interest in the effect of television on Executive power. He said that "the impact of the war, and especially of television, has caused many people, especially in the executive branch, to sort of give up on democracy. They accept the leadership of Executive and feel that the Congress in some way is inadequate to the responsibilities."^70

The next day, as the Committee talked with Professors Richard B. Morris of Columbia and Alfred H. Kelly of Wayne State, Senator Case expressed a similar concern. He confessed that the Senate was often "derelict" in expressing its point of view but he was far more alarmed by the use of spot announcements on radio and television which advocate a "particular policy in Vietnam." He objected to the use of "advertising techniques" in order to sell foreign policy. Kelly observed that "We live in an age of the slogan, the symbol, the mass advertising technique" and that "the whole nature of the public opinion generating process" was weighted in favor of the President.^71 As the Foreign

^70 Ibid., p. 58. ^71 Ibid., March 9, 1971, p. 114.
Relations Committee passed into a more active phase, it was natural that the members' thoughts would turn to their difficulty in disseminating their views to the American people. It may be noted here that a possible motivation as a movement or campaign passes into its consummatory work is a perceived lack of rhetorical success. Certainly a number of Committee members saw their campaign as having had less effect than they had hoped. It is therefore all the more interesting that they would undertake such an ambitious attempt as legislating restrictions on the President's war powers.

Senator Pell, for example, touched on the Committee's rhetorical frustration as he discussed, realistically, a power theme:

People who think as the majority of this committee do, do not really represent the majority in the Congress. Whenever we have had enough of it, we can refuse to authorize the money for these adventures of which we disapprove . . . . But I think we lose sight of the fact that we are simply a minority and we think we are a majority. As soon as we are a majority, the war is over.\textsuperscript{72}

The Committee was more aware than ever that even dissemination of views was not as profitable as a clear majority of fellow-Senators who shared its views.

Barry Goldwater spoke in an April 23 session. He opposed the war powers legislation and predicted dire results if it should be adopted:

\textsuperscript{72}Ibid., p. 119.
To my mind, the bill is improper, unwise and perhaps illegal. It would leave the United States helpless to prevent the annihilation of Israel. It would emasculate NATO. It would unwittingly allow a militant Congress to initiate a nuclear holocaust. And it may incite one of the gravest constitutional crises in American history.

He went on to call the bill "a terrible sword of Damocles hanging over the heads of the American people." 73

Representative Frank Horton followed Senator Goldwater and spoke to the issue of resolving the power struggle in favor of the Senate. He, along with others, was impatient with the slow pace of Congress in acting. The crux of his criticism was his doubt that members of Congress "want to forsake the luxury of sideline criticism of foreign policy and Monday morning quarterbacking and take on a role which . . . would forge a partnership in responsibility with the executive . . . ." Congress had "abandoned its responsibility" when it approved the Gulf of Tonkin resolution. There were no new powers to be created, simply old ones which had been laid to rest and could be revived with the appropriate legislation. 74 Senator Javits echoed Horton when he later agreed: "Precisely. We are seeking to restore authority which has been eroded, taken away, given up or usurped rather than to create some new authority." 75

On April 26, McGeorge Bundy and George Reedy, former members of the Kennedy and Johnson Administrations, expressed

73Ibid., April 23, 1971, pp. 348-49.
74Ibid., p. 402. 75Ibid., p. 417.
their views to the Committee. Bundy reflected general agreement with the long-standing Fulbright positions and said that he deplored the "progressive breakdown in the indispensable partnership between President and Congress."76 Reedy was also in general agreement with Fulbright, but he disagreed with the idea of partnership between Congress and the Executive. He told Fulbright that "in the executive branch there is a certain feeling that Congress is merely a problem that must be grappled with." Fulbright interjected, "And resisted." Reedy continued: "And resisted. And somehow things must be run around Congress. This is a standard thing, and, I think, probably, for most of the problems that face the United States this may be somewhat of a healthy feeling." He believed that Congress felt the same about the executive and he disagreed with Bundy's theory of Executive-Legislative partnership: "I think our Government is much better served when there is an adversary realtionship." He conceded, however, that in the area of war-making there was no real adversary relationship because the power was "one sided." He said that "despite the fact there was disaffection in the Congress and despite the fact there was much disaffection in all levels of the Government, this never penetrated the walls of the White House" during his days with the Johnson Administration. Reedy made some observations about the system of devil's advocacy, a kind of

76 Ibid., April 26, 1971, p. 422.
institutionalized dissent, utilized in White House decision making. The same things might have been said about the Fulbright Committee: "If one man is more or less designated to dissent, if it is known in advance that he is going to dissent, if there is a pattern of dissenting, then the people that listen to the dissent really listen with wax in their ears."  

Chairman Fulbright asked Reedy to clarify his remark on the adversary system and to apply the idea. He asked whether Reedy approved of the Committee's activities over the years. Reedy answered:

I would go further than that, Mr. Chairman. I think that the mere fact that this committee has been a place where people who are so strongly opposed to the war could at least get a hearing is one of the things that has sustained what confidence there is in our government today.

His statement was followed by applause from spectators in the chamber.  

On May 14, the Secretary of State appeared before the Committee to define the Administration opposition to the pending legislation. Rogers read a lengthy statement to one of the largest assemblies of the Committee which had met in the past year to discuss Vietnam-related issues. In addition to Fulbright, Church, Symington, Pell, McGee, Aiken, Case, Cooper and Javits, two non-members, Stennis and Eagleton, were present.  

77Ibid., pp. 441-42.  
78Ibid., p. 448.
When Rogers finished his statement, which was conciliatory in tone but repetitive in content, Fulbright lashed out at him:

Mr. Secretary, I cannot remember when I have been more disappointed at the negative response to what I thought and believed to be a good faith offer by members of this committee, and also the distinguished Senator from Mississippi [Stennis] to try to make progress in a reconciliation, if I may say that, between the Congress and the Executive in this area.

You know the more I observe this Administration the more closely I find it follows its predecessor's policies in nearly all respects with regard to foreign policy. You have gone just about as far as Mr. Nicholas Katzenbach did when he came before the committee.

Rogers was hurt. He denied the accuracy of Fulbright's statement. But Fulbright replied bitterly, "I cannot see any difference in the ultimate result which is practically to say the Congress has no role to play in foreign policy, in the formulation of the war powers—that we should be good boys and receive your briefings." 79

Clearly, Fulbright was at the pinnacle of frustration at the Administration's retention of war powers. He had an instinctive hope that his adversaries might see the abuses in their position through being exposed to debate and discussion. But he was disappointed. They were unwilling voluntarily to hand even a small part of their advantage over to Congress. The Committee's persuasive campaign had left the Administration's actions unchanged and they would

wait to see whether they would have to bow before war powers legislation. Fulbright perceived all of these failures in the power struggle and the result was a larger separation of interpersonal distance between his and the Administration's positions. Though Rogers attempted to assuage Fulbright's reaction, going so far as to disagree with Katzenbach's views on Congress' role in war-making, the Chairman could not shake his negative reaction. Questions and comments from the other Senators present reflected the same feelings.

The strained nature of the relationship between the Executive and Congress is illustrated in an exchange between Senator Javits and Secretary Rogers. This exchange is also illustrative of the Administration's problem of maintaining its power position while trying to placate its senatorial critics. Javits charged, "Our effort is resisted at every turn and even there is the implication that some of us are unpatriotic, if not worse, for advocating any congressional action in which we want to join, want to take the responsibility, that will get us out." Secretary Rogers answered, "Senator, I certainly don't know of anybody who has ever said what you just said." Javits and Fulbright agreed that Vice President Agnew had said it only recently. Rogers said, "I think any such suggestion is inexcusable." He protested:

Inexcusable. I don't see any reason at all to talk in those terms. I certainly never have. I am sure the President has never talked in those terms. I think it is very harmful to our national interest to talk in those terms. I think it is harmful to
our national interest to talk in those terms. As I have said, the policies that the President is pursuing in Vietnam require congressional support and will continue to, and we are going to have to come back to Congress each year for appropriated funds, and we respect your views.80

The Secretary, in his sincere and ponderous style, was all pathos as he attempted to get across the Administration's good intentions. Again, the hinderance of the distance factor can be seen. The Senators were no longer trustful of the Administration's avowed intentions. Their lack of real power in the situation made them somewhat personally vindictive toward Administration spokesmen and the rhetorical transaction broke down in periodic flurries of accusations and denials.

On the final day of war powers hearings, October 6, 1971, Senator John Stennis said, "We must insure that this country never again goes to war without the moral sanction of the American people." Stennis had been a hawk through most of the Vietnam debate. He had supported Johnson's Gulf of Tonkin actions and generally supported the principle of presidential authority in war-making. But he was convinced that events since 1964 had altered the old realities: "Vietnam has shown us that by trying to fight a war without the clear-cut prior support of the American people we not only risk military ineffectiveness but we also strain, and can shatter, the very structure of the Republic."81

80Ibid., p. 542.
81Ibid., October 6, 1971, p. 706.
Interestingly, Stennis injected his belief that the fundamental questions involved were not legal but political, and Fulbright agreed:

The Constitution is not self-executing. Whether or not the President is responsive to the Constitution is primarily involved in the political realm and that means primarily what the Congress' attitude is toward the President. The Congress is the one agency which might influence the President to abide by the Constitution; is that not correct? 82

Stennis replied that he was interested in keeping the President "accountable" to Congress. He explained he was not using it in a partisan sense, but rather in a political sense. 83

The war powers hearings were significant because they exposed the changes of mind which such people as Stennis had undergone. The Committee passed the bills on to the Senate to await action. Whatever the fate of the bill, the Committee had built on a rhetorical campaign to achieve a platform from which to directly challenge the President's war-making power. Never in American history had the national legislature behaved in this way; Presidents had been censured for specific foreign policy actions but their store of power had never been shaken.

For an evaluation of the Committee's rhetorical activity and an examination of its impact on rhetorical scholarship, let us now turn to the final chapter of this study.

82 Ibid., p. 711. 83 Ibid.
CHAPTER VII

EVALUATION AND SUMMARY

In an examination of a rhetorical event, a natural question concerns the degree of change which may have taken place in the positions of participants. Changes which result from persuasive attempts are seldom precipitate; therefore one may need to follow change through a gradual process. The Senate Foreign Relations Committee hearings did not produce immediate or dramatic changes in power relationships or in conduct of the war. There were, however, some differences in posture and some modifications which can be observed. The variations which occurred will be examined in the context of the campaign-like process of seven years of hearings.

The three rhetorical phases suggested by Leland Griffin for the study of historical movements form the basis for an examination of campaign goals which may have been formed and modified within each phase of the movement. The motivation which provided each phase with special complexities is difficult to pinpoint, but it is an integral part of this rhetorical evaluation. The possibility that these hearings do not fit the usual mold of historical movements and rhetorical campaigns will be considered.
This chapter will also contain a final word on the rhetorical power dimension. It will be seen how power positions varied among the audiences involved and how the effects of discourse may have been limited in the fact of established power within the governmental institution. In this connection, there are questions about whether the situation which gave rise to the hearings was malleable by persuasion. An important point of consideration here is how a given situation can contain both rhetorical and non-rhetorical elements.

Language was the vehicle for the power conflict and it is worthy of analysis. Key words and phrases typified opposing ideologies, both on the war and on governmental power. It is possible to see something of the fluctuation in ideology as meaning evolved.

The format of the hearings had an important effect, as did Fulbright's choice of witnesses. These were non-discursive factors which determined a significant part of the overall impact. Several volumes of Fulbright's interrogations were not widely publicized nor did they receive extensive public or governmental attention, leaving the critic with the challenge of discovering some possible rhetorical impact.

Finally, the prospect for further rhetorical activity in the struggle for ascendancy in foreign policy will be evaluated, along with possibilities for further research.
The Campaign Approach and Change

At the end of a deliberately rhetorical transaction, either or both participants may ask whether the desired effects were achieved. In a historical movement which is given form by rhetoric, it may be difficult to identify end effects in the same way. A better question may be to what degree the issues of debate were modified by discourse. The degree of modification must be considered in the light of whether a series of persuasive events, forming a campaign, was deliberate or perhaps only incidental.

The hearings followed an almost imperceptible curve away from issues of the war to issues of power in war-making. From the 1964 hearing which produced the Gulf of Tonkin resolution to the 1967 hearing on the truth of the Administration account of the Gulf of Tonkin, Committee attention was largely directed at the propriety of the Southeast Asia war. From 1967 until March, 1971, when hearings opened on war powers legislation the Committee focused increasingly on philosophical and constitutional issues of war-making. There was a stream of comment through nearly all the hearings on the power conflict between the Executive and Legislative branches, but substantive evaluation of the war itself decreased as time passed.

Events may have had a stronger influence on the course of the hearings than did the hearings on the course of events. It is interesting that the Committee took up a
treatment of the Gulf of Tonkin events as the embattled Johnson Administration entered its last year of office and as Secretary of Defense McNamara moved out of his position; Johnson's war-making power was as great as ever, but his ability to spoil a Senator's influence was less to be feared. Further, the Gulf of Tonkin resolution was not actually repealed until the Nixon Administration indicated that it was no longer a useful tool. Hearings on legislative proposals to end the war were not initiated until the President's own plan of withdrawal was underway. Subsequent attempts to stop funding the war have not been successful, partially because the House of Representatives was not convinced that there was any need for stronger end-the-war measures than the President has already taken. Hearings on war powers legislation did not capture the public's imagination because they came long after the time of the greatest public indignation over presidential control of war-making in the Johnson years.

It is necessary now to examine some of the more specific properties of the Committee's activities as they constituted a historical movement with rhetorical goals and campaign-like qualities.

The Movement, Goals, and the Campaign

The Senate Foreign Relations Committee was passive during the incipient phase of the movement. There was a general acceptance of Cold War philosophies and of the
ascendant power of the President in matters of war-making.
There were no rhetorical goals where American involvement in
Southeast Asia was concerned nor was there any appreciable
drive for greater involvement in the President's decision-
making practices. The Committee, it would appear, was a
rubber stamp for the Administration's foreign policy.

The movement was jolted out of its incipient stage,
not because of any extensive difference with the President
on philosophies of government but only because the increasing
American involvement in Southeast Asia brought unexpected
physical and psychological costs. This coincided with a
widespread reevaluation of Cold War thought. Senators such
as Frank Church and William Fulbright began to question
whether the costs of the war could be justified if the
United States had placed itself in an unrealistic world
position. As various legislators, particularly Fulbright,
met with no success in persuading President Johnson in
private of the mistake of American involvement, sentiment
grew for stronger measures. Then the Committee moved into
an active phase.

Rhetorical Crisis

A period of rhetorical crisis lasted from the tele-
vised hearings of 1966 through the initiation of the Nixon
Administration's war plans. Leland Griffin conceived of the
rhetorical crisis period as being a time when opposing
goals come into a clash and continue until there is some
kind of resolution. As we study these hearings, Griffin's phase is a helpful division; but there is another sense in which the Committee was in crisis, namely in the search for goals.

Inherent in the Fotheringham definition of persuasion and the campaign are the goals of adoption, continuance, deterrence, or discontinuance. Hearings such as those conducted in 1966 indicate that the Committee was not prepared to aim for discontinuance. More likely the members hoped for some degree of influence on the President's future war plans, making their primary goal deterrence. The Committee had no viable alternatives to set forth nor did it seem to perceive any potential Senate power in war-making which was not already being exercised. For the most part, the Committee interpretation of its advise-and-consent function was fulfilled in the act of calling Administration witnesses to answer questions about the conduct of the war. It can be concluded that in the early stages of the Committee's inquiry its rhetorical goals were not clearly defined.

Chairman Fulbright avoided statements which would have locked him into a particular objective. His usual explanation was that he hoped his Committee would serve an educative function, opening the books on the war for the American people. As he said in his first lecture in the 1966 Christian A. Herter series at Johns Hopkins University, "I really didn't have the hearings expressly for the purpose
of developing controversy, they just seemed to grow out of the subject matter. (Laughter.) And I'm not naturally a controversial person but a professor--a professorial type. Still, even with his tongue-in-cheek evaluation, he must have hoped to bring some pressure on the Administration. It must be remembered that the Chairman could not dictate Committee opinion, so that goals would necessarily be ambiguous while the Committee reached for consensus.

The Senators were probably not conscious of embarking on a campaign. The nature of the 1966 televised hearings indicates that Fulbright thought that public exposure over a period of a few days would meet the most pressing public needs of information on the war and orientation to differences within the government. Wayne Morse also trusted heavily in immediate results; he seemed to believe that a groundswell of public opinion against the war was building rapidly into a clear majority. The Foreign Relations Committee had embarked upon a persuasive campaign without being fully conscious of its nature and without clearly defined goals. In Potheringham's terminology, the hearings form a "structured sequence of efforts," but it is only in retrospective analysis that the structure becomes apparent.

---

This suggests that a movement can begin, that a rhetorical campaign can be initiated, without clear intent on the part of the originators of the campaign. Other rhetorical activities, such as those of a minister who communicates to his congregation through various media and over an extensive time period, may fit the same category. An advertising campaign is, of course, consciously conceived and its stages are planned. A political campaign will also be systematized. But some persuasive activities are molded into a campaign-like activity more by circumstances than by intent.

Definition came to the rhetorical crisis as the Administration's news policies came under fire in a hearing session. A goal which must have emerged from the late 1966 hearing was to persuade the President to be more open in providing information about the war. Demands for access to truth provided a concrete point of argument for the Committee and helped form the members' conception of being engaged in a power contest. Fulbright was patient through most of the 1967 hearings; Wayne Morse took the lead in articulating a hard anti-war position. The August hearings on national commitments showed some signs of the Senate's feel for its own persuasive goals and legislative powers as did the Mansfield-initiated hearing on submitting the war to the United Nations. A review of the Gulf of Tonkin events and the March, 1968, televised hearings showed the members of the Committee to have developed clear goals of deterrence
through persuasive activity. There were signs of a feeling that the Senate should even attempt to cause the Johnson Administration to discontinue its policies. But because of an imprecise view of the rhetorical situation or perhaps an inability to discover new avenues of influence, the Committee was able only to serve an analytical function and was unable to modify the situation. A conscious campaign was underway but rhetorical goals were frustrated by the preeminent power of presidential initiative in war-making.

The Consummatory Phase

Griffin states that the rhetorical crisis period is a time when opponents change the "balance between the groups which had existed in the mind of the collective audience." Indeed, Committee efforts had disturbed at least the Senate's image of Executive-Legislative relationships. The nation had witnessed a surprising offensive against the Executive branch and its most cherished area of responsibility. Large numbers of Americans were opposed to the Committee's activity while many others supported it. In March, 1968, it was President Johnson's opinion that he could not unite the country behind his policies and he left political life. The Committee suspended its rhetorical goals for a time, handling the new Nixon Administration in a charitable fashion. The President's withdrawal plans cooled some Committee criticism, but as the war dragged on, Senators became impatient and criticism began anew. By early 1970,
the goal of deterrence, of modifying presidential conduct of the war, had been abandoned and the Foreign Relations Committee gave itself to hearing testimony on legislative proposals to pull the President's policy foundations from beneath his office by legislating a forced end to the fighting.

The goal of deterrence was abandoned because of a fundamental failure in the old advise-and-consent machinery. The Senate reached a decision that the President could not be reached by persuasive means and could not be expected to meet the Committee's hopes for ending or modifying the war. So the Committee turned to consider legislating a course of action which might nullify the President's pre-eminence. The legislative attempts constitute a consummatory phase which, as of this writing, is drawing to a close.

Griffin suggests that in the consummatory stage, rhetorical activity ceases because objectives have been gained or lost. In this case, a failure redirected the Committee's rhetorical activity to encompass its own members and the rest of the Senate.

Legislation may ultimately be persuasive—an often-repeated goal of civil rights legislation was that attitudes might follow law—but its immediate objective is the creation and enforcement of a new position. The consummatory stage of a historical movement may be a time when agents change
their goals to discontinuance of a policy by the creation and use of an instrument (legislation) which has been achieved through debate.

A Major Change in Position

During its consummatory stage the Senate Foreign Relations Committee grew to be a body whose members were mostly in opposition to the war and who were willing to express their dissatisfaction. Also during this stage there was a general shift in the Senate away from support of past Vietnam policy and toward opposition to presidential war-making as evidenced by the eventual Senate passage of the War Powers bill.

The Committee was ineffective in its goal of persuasion, nor could it legislate an end to the war. The greatest work of the hearings was a transformation on the Senate's self-image regarding its rightful role in foreign policy. The implications of this outcome can be seen more clearly as we turn to review the rhetorical situation and the power dimension.

Rhetoric and Presidential Power in War-Making

The possibility that power in war-making is not a rhetorical issue is still strong, even after seven years of persuasive attempts in that direction. Lloyd Bitzer suggests that a situation is rhetorical only when an exigence can be removed by discourse and when there are
those whose actions are capable of change through discourse. It is now obvious that reams of Committee discourse did not suffice to bring about a decisive change in the balance of power. One or more audiences were not capable of being changed through discourse. These audiences will be considered separately.

The American People

The public was made aware of the hearings through television coverage. No other medium exposed Fulbright's campaign with such thoroughness, even though the major networks offered only two widely separated blocks of live coverage. The impact of those televised sessions is impossible to measure but it is probable that when television coverage was most extensive, the public was most subject to persuasion. As was discussed in the fourth chapter of this study, there was a sizeable public audience for the 1966 hearings; Senators reported unprecedented amounts of mail and numbers of telephone calls during the sessions. In the same chapter, it was mentioned that the Administration was concerned about the images being projected from the hearings. The President, then, was aware that public acceptance of his policies was being tested through the broadcast of the hearings. He may have been unnecessarily concerned.

Demonstrations and disruptions may have influenced Johnson's decision not to run again but it should not be
forgotten that the largest segment of Americans has shown a general support for conducting the war. President Johnson, an admirer of polls, could take comfort in such reports as a February, 1967, poll which gave a significant majority to those who wanted to continue the war and the bombing. The poll, discussed in Chapter V, also showed that although the public did not approve of the President's conduct of the war, he was still able to show that he was carrying out popular will. President Nixon later popularized the phrase "Silent Majority" in connection with public support of his war policy. Both Presidents had a sense that their position and the people's image of the presidency would endow them with continued assent to their activities in Southeast Asia. The Foreign Relations Committee attempted to move the American people into a more critical stance on the war, but the fact that the war continued as before with the President still in control indicated that dissident Senators had failed to win a majority of the crucial public audience.

On the other hand, a significant minority position developed. The number of anti-war Senators grew with at least tacit approval from large segments of the population. While Wayne Morse lost his Senate seat in 1968 and Joseph Tydings, not a Committee member, lost his position in 1970, there were many gains. In March, 1968, Secretary of State Rusk was disturbed by an anti-war statement signed by eighteen Senators. During 1968, some Senators were elected on their dissenting views--Allen Cranston of California,
In conclusion, it can be affirmed that while the Fulbright Committee did not produce a massive break between the public and the President's war policies, they were reaching an audience which had the capacity to bring about change in the composition of the Senate. To some extent, the Committee was able to tap the public mood and win a degree of adherence.

The Senate Audience

As has already been indicated, the group which best fits the description of a rhetorical audience was the Senate, particularly members of the Foreign Relations Committee. It is impossible to attribute change directly to Committee activity but there seemed to be a correlation between having been a Committee member and having experienced an increasing alienation from presidential policy on the war. The summary and analysis of the hearings showed that such men as Cooper, Mansfield, and Symington moved from approval to doubt to disapproval in the space of five years.

There were others who were affected in different ways. Fulbright, for example, started the hearings with growing personal doubt. He was not ready for an extensive debate with the Administration until it appeared that the Administration was not responsive to his objections. It should not be forgotten that there were also some who continued in their support of the war. Wyoming Senator McGee was steady
in his support and he participated in most of the hearings. Senator Long was a supporter of victory in Vietnam and he was alienated from the Committee by 1968. He simply stopped participating in the hearings after his patriotic oratory met with small acceptance.

The Senate was potentially the group most able to change the President's policies but, as an elected body, the Senate was commissioned to reflect the will of the people. The Senate was most susceptible to internal change through discourse by reason of its proximity to the foreign policy debate. Still, the Senate would have to resort to means other than discourse--legislation--to change the President's actions. The Senate's lack of will to legislate against the President was the result of decades of subordination to presidential initiative and it was because of a constitutional view by which the Legislature is relegated to the conduct of domestic affairs. Senator Fulbright believed that an atmosphere of crisis has been responsible for the imbalance. He said that "the Congress inspired by patriotism, importuned by Presidents, and deterred by lack of information, has tended to fall in line behind the Executive." He reviewed the result:

The result has been an unhinging of traditional constitutional relationships; the Senate's constitutional powers of advice and consent have atrophied into what is widely regarded--though never asserted--to be a duty to give prompt consent with a minimum of advice.  

2Ibid., p. 471.
The evolution away from Senate participation had brought on a severe constitutional crisis. By whatever means power had shifted so completely to the Executive, it was the finding of the Senate Foreign Relations Committee that it could not be regained by persuasion.

The Executive Audience

Executive opinion seemed least susceptible to alteration through rhetorical means. Of course, one may refer to Johnson's "abdication" as evidence of his persuasibility. But the critic is then faced with President Nixon's authoritative announcements that he had allowed Allied forces to broaden the war into Cambodia, Laos, and even to invade the North in search of American prisoners. The Senate may have been able to repudiate United States military activity in Laos and Cambodia, but the President was not prevented from mining North Vietnamese harbors without congressional approval. Seven years of Committee activity did not blunt the President's capacity for independent action.

There are overwhelming factors which aid the President in keeping a favorable balance of power. He retains the advantages of tradition; great moments in war and peace are associated with the Executive office and the American people respond to presidential leadership in a supportive way. The President has a constitutional advantage because, no matter what the Founding Fathers may have intended, he and significant portions of the legislative body interpret
the Constitution as giving the President preeminence in foreign policy— as discussed in the section on "Operational Views of the Presidency" in Chapter II. The President also retains power through his apparently superior access to confidential information. Whether his information is actually better, there is enough public and governmental sentiment that the President knows ultimate and confidential truths to cause a special aura of wisdom to rest on him. As Fulbright stated, the crisis atmosphere, a fear of nuclear war and the question of American response to such an emergency, gives the President's position additional security. An energetic Chief Executive may find endless frustration in attempting domestic reforms, but when he exercises his prerogative as Commander-in-Chief, he has nearly unchallenged freedom.

These advantages make Richard Neustadt's axiom that the President's power is dependent on his ability to persuade subject to modification. Where such a formidable supply of powers is delegated, there is no viable means for persuasion to operate; the Executive may hear the Foreign Relations Committee's fulminations but he is not constrained to respond. He rests in a position which is not subject to persuasion from the Foreign Relations Committee if he chooses to resist or ignore its suggestions and demands. He is not a truly rhetorical audience.

Of course, the implications are significant. One might ask whether susceptibility to persuasion always depends
on the perceived power of a communicator. The idea that successful persuasion may be most available to those who possess the greatest ability to force compliance weighs on the classical doctrine of *ethos*. Respect of power may account for a part of what rhetoricians have traditionally analyzed as the effect of ethical appeal on an audience.

The Legislature now finds that before rhetoric can function to influence the President's foreign policy activities, his power position must be damaged. This can be accomplished only by first discrediting his actions before the electorate. Then the Senate may feel free to force his compliance through legislation or by withholding requested funds.

**The Language of the Hearings on War and Peace**

Kenneth Burke viewed language as "a symbolic means of inducing cooperation in beings that by nature respond to symbols."³ After seven years of hearings failed to produce cooperation between the Executive and the Foreign Relations Committee, it seems appropriate that we should now turn to examine some of the language used and to speculate on whether the way in which participants used language contributed to the failure of the hearings to move beyond an arena for adversaries.

In order to facilitate communication and allow persuasion to take place, words must arouse common meanings in both speaker and listener. There must be the creation of a "universe of discourse" where individuals share meaning.⁴ Again, Kenneth Burke addresses the issue when he writes of his concept of "identification" and "consubstantiality."

In order for men to identify themselves with each other's interests they must experience "common sensations, concepts, images, ideas, attitudes" which "make them consubstantial."⁵ George Herbert Mead discusses the same subject with slightly different terminology. For Mead, meaning must be aroused in oneself similar to the meaning aroused in an audience in order to achieve "significant" communication. He wrote that "The significant symbol is the gesture, the sign, the word which is addressed to the self when it is addressed to another individual, and is addressed to another, in form to all individuals, when it is addressed to the self. . . ."⁶

After examining the language of the hearings it can be concluded that failure to communicate and persuade may have been the result of the excessive use of jargon and catch phrases, "god terms" and "devil terms" in the words of Richard Weaver. J. William Fulbright commented on the


⁵Kenneth Burke, A Grammar of Motives, p. 37.

extensive use of "voodoo" employed in foreign policy discussion: "Certain drums have to be beaten regularly to ward off evil spirits." In particular, he referred to "the maledictions which are regularly uttered against North Vietnamese aggression, the 'wild men' in Peking, communism in general and President de Gaulle." He noted that the State Department seemed to think it necessary to renew pledges every day:

we will never go back on a commitment no matter how unwise; we regard this alliance or that as absolutely "vital" to the free world and of course we will stand stalwart in Berlin from now until Judgment Day. Certain words must never be uttered except in derision—the word "appeasement," for example ... ...

Fulbright's observation was partially from his experience with Administration witnesses in Committee hearings.

Dean Rusk and Communication

Richard Weaver noticed the importance of "single terms" in rhetoric: "single names set up expectancies of propositional embodiment." This causes everyone to realize the "critical nature of the process of naming." Weaver divided the single names into two categories. The "god term" is an ultimate term which carries a great "blessing." The word "progress" fits this category. The "devil term" is


also ultimate in nature but it is a term of "repulsion," such as "un-American."9

Throughout the hearings there was a correlation between support of presidential policy and reliance on Cold War terminology. This was especially true in the testimony of Secretary of State Dean Rusk. His "god terms" and "devil terms" were an integral part of his presentation.

Rusk's references to the war usually ignored its particular aspects. He justified it as a small part of a larger struggle. In his view, the world was divided into two parts: the "free world" and "Communist nations." The two parts were at war in more than a military sense; it was an eternal, winner-take-all struggle. The mission of the United States was to "stop Communist aggression." "Aggression" was his most extensively used descriptive term to explain the enemy's activity. It was not something characteristic of Americans or of the free world but of Communists. And so the two words, "Communist aggression" belonged together to evoke a self-image in Americans of being peaceful, of using force only in self defense or in the defense of others. The enemy was consistently on the offensive, while United States forces only responded defensively.

Among his "god terms," Rusk spoke of the war as an attempt to insure "security" and "freedom." These two terms were applied to both the United States and to allied

9Ibid., pp. 212, 222.
nations in Southeast Asia and they were used as universals to evoke the idea of common interest; all good men everywhere surely want "security" and "freedom."

For Secretary of State Rusk, the war in Southeast Asia was being fought for "the cause of peace." He appealed to the American sense of enterprise and duty as he repeated his hope that the war would be a part of an American campaign to "organize a peace." If Rusk could make the war seem to be only a line in America's great organizational chart of world peace, it would help minimize the cost and maximize the desirable effects in America's thinking. No reasonable man could be against peace.

Rusk often appealed to the American sense of strength, courage, and honor. The United States, he would say, "always keeps its word." If this meant keeping a promise made by a single man on behalf of the nation, the American people should assume the morality of fulfilling the promise. The greatest blow to American honor would be defeat. America should never be allowed to be "humiliated." The only real alternative to vigorous prosecution of the war was "defeat" at the hands of the Communist menace and "surrender" in the face of a second-rate power.

Rusk's language was communicative to many Americans who trusted in the comfort of Cold War terminology. If Rusk intended to impress or persuade anyone with his prepared statements, it must have been the populace. But Rusk was unable to create a "universe of discourse" which would
encompass the Executive and Legislative branches in a single ideology. Rusk did not achieve effective use of the "significant symbol" because the words he spoke to himself were not words which aroused appropriate meanings in his other audience—the Senate Foreign Relations Committee. Members of the Senate Foreign Relations Committee had achieved a level of political sophistication which did not respond to Rusk's phrasing. No doubt, the Senators knew how to use such language and probably did if their constituency demanded it. But they were not reached; they had hoped for something fresh and substantive, and they were frustrated to hear the same reasons supporting the Vietnam war as those which had supported Secretary Dulles' version of the Cold War.

Communication and Senators in Transition

It is interesting to see that Senators who occupied a position somewhere near opposition also used some special phrases. They expressed concern about the "open-ended war," hoping for reassurance from national leaders that termination would seem be a reality. They were accustomed to wars which could be fought in phases, whose victories were final, whose conduct allowed speculation about the strength and strategy of opposing forces. But Vientam was an abyss to these men. Another phrase which characterized their concerns was the old warning about a "land war in Asia." They sought to discover whether, indeed, the intent of the
Administration was to involve Americans in an Asian land war. Even when it was obvious that the phrase was completely appropriate, it continued to be used in a fruitless search for comfort in the matter.

The Language of Opposition

Wayne Morse, the most intrepid opponent of the war, appealed to the American sense of law and justice by repeating that Vietnam was an "illegal and undeclared war." The war was "unconstitutional" and should not be allowed to continue without the proper constitutional stamp of a declaration of war. He called it a "suicidal war." When he spoke of the high cost of life he would say, "We are slaughtering our boys" in Vietnam. His language was often highly personal and emotive but more limited in variety than Rusk's.

Other opponents of presidential policy enunciated their fears in a different way. Vietnam was sometimes called a "fuse for World War III," a very emotional label. Some were especially preoccupied with Vietnam as a "secret war."

An example of how terms came into conflict is found in the phrases "public interest" and "national security." These were "god terms," often used by participants regarding the hearings. Opponents of the war tended to be supporters of public hearings which they believed were in the "public interest." Supporters of the war were opposed to open hearings, as a rule, on the basis of the possible threat to "national security."
Supporters of the war found more vivid names for it. Those who opposed the war had difficulty in finding descriptive terms for it or perhaps they were not so likely to employ ultimate terms as were those whose ideology was still rooted in Cold War philosophy. Specifically, it may be concluded that members of the Committee were suspicious of ambiguity in language following their experience with the Southeast Asia resolution. In the resolution, Congress approved "the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." The extent of involvement intended by the Executive was misunderstood, some said. The ambiguity of the language was probably intended as an additional deterrent to the enemy. It was hoped that North Vietnam would grasp the tone of determination in the resolution and draw the appropriate conclusions. "All necessary measures" could have been interpreted all the way from introducing a resolution into the United Nations to a massive invasion of North Vietnam. The Senators assumed that the actual intent of the Administration was nearer the first alternative than the second. Apparently, so did the North Vietnamese.

At some point, perhaps best represented by Fulbright's national commitments resolution and hearings, the Committee became interested in having specific definitions for words pertaining to the war and for Executive-Legislative
relationships. They pushed for a more precise definition of the term "declaration of war" and they were shocked when Nicholas Katzenbach refused to define it, brushing it away as "outmoded." The Committee wanted to restrict use of the term "advise and consent" to a very literal interpretation; their function in foreign affairs depended on the Administration's acknowledgment of their right to offer counsel and grant or withhold consent. The Administration, however, preferred to use the more ambiguous term "consult" in describing their responsibility to Congress.

This suggests that in a movement, there may be an evolution in language which moves away from ambiguity in the inception period to a desire for specificity in the period of consummation. There may be a kind of rhythm from generalities to specificities and back to generalities as the movement fades away or perhaps moves into a new period of inception. It is instructive to note that in this study, those who called most vigorously for definitions were also those who were on the defensive politically and ideologically.

It appears that there was little significant communication between Senators and Administration witnesses. Their ideologies were divergent and they were unable to create a universe of discourse which would have permitted rhetoric to operate. Again, the possibility must be considered that participants were not trying to convey meaning to each other but rather to another audience. It is also possible that witnesses like Rusk and McNamara with their assistants
were merely trying to fulfill a duty in appearing before
the Committee, that their view of open discussion and
Legislative participation in policy formation was entirely
cylnical, and that their hope was actually to block the
hearings. Only on rare occasion did they attempt to identify
with their antagonists and then only seemed to exacerbate
feelings with their rhetoric.

**The Effect of Form**

The Committee may have failed to excite a larger
popular following because of the formal procedure of
Committee hearings. Television viewers were accustomed to
similar spectacles. They had seen crime figures investigated,
demagogues shamed, and "un-American" activities probed.
For purposes like these, the hearing approach seemed appro-
priate. Americans thought it acceptable for a large number
of informed public servants to confront an irritant to
society, using every possible means to correct the evil at
hand.

But now, it appeared that well-intentioned public
figures, representatives of a President who had been elected
by a plurality of the voters, were being subjected to cross-
examination such as a suspected subversive might receive.
Not only did the format of the hearings make State Department
figures appear to be on trial, monolithic communism which had
been a comforting devil for a whole generation of Americans
was now being called mythical. Values which had long passed
for foundations of American philosophy—pride in the military, trust and loyalty for the President in time of crisis—were placed in the dock for questioning.

The Senators, themselves, may have been encouraged in their attempts by format. Highly respected, even intimidating, wielders of Executive power were placed in the recessed area before elevated Senate questioners. The Senators looked down on the witnesses, the witnesses looked up at the Senators in a posture suggesting supplication. Power agents were placed in the position of answering and not asking questions. The time allowed a witness to answer a given question was according to Committee rules and at the discretion of the Committee Chairman. It is possible that this circumstance reduced Senate reticence to engage the Executive in a rhetorical contest and helped Senators discover a measure of power not relied upon for some time.

Fulbright called the hearings an "experiment in public education."\(^{10}\) It is likely, however, that to large segments of the population the hearings seemed unpatriotic and appeared to prosecute men whose only desire was the prevention of Communist aggression and the preservation of peace and freedom.

The Chairman's choice of witnesses generally caused little press interest, so that opportunities for public understanding were minimized. He had a proclivity for

\(^{10}\) J. William Fulbright, "The Higher Patriotism," p. 475.
intellectuals. Margaret Mead, George Kennan, Henry Steele Commager, and Daniel Ellsberg are examples of the kind of witnesses who made the hearings most interesting. Although some of the most significant and important hearings were with intellectuals, usually liberals but sometimes conservative, the press and the public seemed most interested in well-known government representatives who came to the Committee to defend their cause. Fulbright's goal of public education was only partially realized because of the lack of public access to his most education session.

**Implications**

In retrospect, this study has been concerned with what happens when two groups of people within the governmental institution, people holding opposing views on the place of the United States in world affairs and the place of Congress in foreign policy, meet over a period of several years with hope of altering the position of the opponent. The result seems to be hardly any shift in major premises by the opposing sides and very little change in the balance of policy-making power between the Executive branch and the Foreign Relations Committee.

While the Committee's only real tool is the public hearing followed by legislative proposals, it does not seem that further attempts at discourse will be fruitful under the same circumstances. This is an instance in which the function of persuasion is sharply limited by the wielding of
a strong power position. Interpersonal communication requires that participants meet their common meanings. Persuasion requires that the object of persuasion be open to modification and have the will to receive communication. These conditions have not been met; further, until the public interest is restored in the legitimacy of debate as well as a realization of the importance of checks and balances in every area of government, it is not likely that the Executive will, of his own initiative, share his thinking or power in this important political area.

It is hoped that this study will have encouraged further studies of communication events which take place over relatively long periods of time. At the same time, it is hoped that more studies will consider groups of communicators who enter into rhetorical dialogue. Perhaps rhetorical scholars will find merit in the Brockriede suggestion of analyzing discourse through various dimensions; the power dimension could be useful in any number of political communication events. A workable idea which this study has proposed is the combination of a movement model with a campaign approach to persuasion. The idea of evaluating a movement, not only by whether participants moved an idea or institution from point A to point B, but by how motives and goals interacted and by whether changes in goals were purposeful and whether goal changes brought about modifications in positions suggests that some significant progress
may be made in creating fresh approaches to rhetorical criticism.

Perhaps this study will encourage interest in how discourse serves the cause of change within institutions. Also it may serve to remind students of persuasion that discourse does not always have clearly-defined objectives and that it may not always facilitate change in its object. This study was concerned with more than rhetorical theories. It is also a view of people, of the human situation. It is a suggestion that human beings do not respond to the needs of the world and of nations so well as they do to the drive for maintaining their own positions of power and influence. It is also a suggestion that the popularized truism, "communication is the answer," is meaningless except in context and that lengthy and thorough speeches do not necessarily qualify as meaningful communication.

Checks and balances, persuasion, and communication have been relied upon as governmental processes which will insure that the people will be protected from inordinate power. As this study reveals, it is a mistake to idealize these processes but to realize that they are only the instruments of fallible human beings. The present system of government in the United States may not have adequately protected American citizens from their own war-making machinery during the Vietnam conflict but it should be remembered that it was the first time in American history where so many perceived so great a need for reversing a
trend toward the wholesale grant of power to one branch for the conduct of foreign policy. Whether they were right, whether they were successful, a precedent for challenge has been established. It is possible that, should the situation arise again, the Legislators of the nation will be able to insist on a greater role for the people in any decision which must be made about entering into hostilities with another nation.
BIBLIOGRAPHY

SOURCES CONSULTED

Public Documents

Congressional Record


Hearings


U.S. Congress. Senate. Committee on Foreign Relations. 
Legislative Proposals Relating to the War in South-

U.S. Congress. Senate. Committee on Foreign Relations. 
Moral and Military Aspects of the War in Southeast 
Asia. 91st Cong., 2nd sess., 1970.

U.S. Congress. Senate. Committee on Foreign Relations. 

U.S. Congress. Senate. Committee on Foreign Relations. 
Southeast Asia Resolution. 88th Cong., 2nd sess., 1964.

U.S. Congress. Senate. Committee on Foreign Relations. 
Submission of the Vietnam Conflict to the United 

U.S. Congress. Senate. Committee on Foreign Relations. 
Supplemental Foreign Assistance, 1966. 89th Cong., 
2nd sess., 1966.

U.S. Congress. Senate. Committee on Foreign Relations. 

U.S. Congress. Senate. Committee on Foreign Relations. 
The Gulf of Tonkin, the 1964 Incidents. 90th Cong., 
2nd sess., 1967.

U.S. Congress. Senate. Committee on Foreign Relations. 
United States Security Agreements and Commitments 
Abroad--Kingdom of Laos. 91st Cong., 1st sess., 1969.

U.S. Congress. Senate. Committee on Foreign Relations. 
United States Troops in Europe. 90th Cong., 1st 
sess., 1967.

U.S. Congress. Senate. Committee on Foreign Relations. 
U.S. Commitments to Foreign Powers. 90th Cong., 

U.S. Congress. Senate. Committee on Foreign Relations. 
Vietnam and Southeast Asia, Report of Senator Mike 

U.S. Congress. Senate. Committee on Foreign Relations. 
U.S. Congress. Senate. Committee on Foreign Relations.  

Bulletins


Presidential Papers


Miscellaneous


Legislative Reorganization Act of 1946, Statutes at Large, 60, sec. 753,817 (1946).

U.S. Constitution, Art. I, sec. 4, sec. 8; Art. 2, sec. 2.

Books


Newspapers


St. Louis Post Dispatch. February 20, 1967.


Journals


---


**Articles**


---


