

From Vietnam to Iraq:

By William B Bader

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THE first 10 days of the politically charged August of 1964 present a timely reminder of what can happen when a president shrouds the road to war in a fog of deception in the belief that it is necessary to do so for the people's own good.

On the basis of what President Lyndon Johnson said had happened in the Gulf of Tonkin, Congress unblinkingly provided the authority to "take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." These words translated into a war in which three million Vietnamese and 58,000 Americans died, a war that Johnson never expected to win.

President Richard Nixon used the same unrestricted license that the purported Tonkin incident provided to justify his own acts of war in Southeast Asia. A precedent for presidential seizure of the war powers in times of crisis was now at the ready. President George W Bush seized it last year and easily took another trusting Congress down one more road to war. On June 10, 1964, as the Vietnam War was turning sour, the National Security Council discussed whether or not to seek a congressional resolution. Secretary of State Dean Rusk found agreement to his caution that "We should ask for a resolution only when the circumstances are

such as to require action, and, thereby, force Congressional action."

The required package of "circumstances" soon arrived on Capitol Hill. On Aug 4 the president dramatically announced to the American people that, in response to attacks against US naval vessels operating in international waters, a major carrier-based air attack against North Vietnam was under way (never mind that the aircraft had not yet taken off).

What actually happened in the Gulf of Tonkin, however, was not what the Congress was told; the true story lay hidden until March of 1968.

The Maddox was not on a "routine patrol" on Aug 1 when it was attacked. The US destroyer was within the territorial waters of Vietnam engaged in an electronic reconnaissance mission in consort with a South Vietnam commando raid on the North. The South Vietnamese raiders were trained and led by Americans using Swift boats. The North Vietnamese had every reason to send — foolishly — torpedo boats to attack the Maddox.

The immediate response of the United States was to send a warning to the North Vietnamese to cease these unprovoked attacks and then to order the Maddox, now accompanied by the US destroyer Turner Joy, to continue its patrol.

No credible evidence of a second attack on Aug 4 has ever been produced, and it probably never happened. The reports of the attack given to Congress and the public were spurious. The commander of the Maddox quickly expressed

his doubts over whether there had been an attack, but Washington was already committed to confirming a second attack. A telling example — to be echoed in Iraq — that policy makers sometimes reach for the intelligence they want rather than the intelligence they need.

There are lessons from the Tonkin experience that have serious relevance to the "circum-

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stances" and rhetoric surrounding the Iraq resolution. The first is that in justifying a military intervention, even if it has a cold war or "war on terrorism" patina, be careful of your repertoire of advertised "facts" lest you tear at the fabric of trust that underpins bipartisan policies. Trust, once torn as it was by the Johnson Administration's deceptive explanation of the Tonkin incidents, is extremely difficult to repair.

Another lesson is that "raw intelligence" should be kept out of the hands of national secu-

pretext and precedent

arty advisers and politicians — even in times of crisis. The “rip, read and run” school — running to presidents, the press and members of Congress with intelligence which has yet to be analysed by professionals — is a prescription for confusion, internal bickering, misinterpretation (particularly in the arena of communications intelligence), and comprised sources and methods.

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During the Johnson administration's efforts to keep secret the truth of what really happened in the Gulf of Tonkin — efforts that persisted with increasing vigour and vitriol over a four-year period — raw intelligence became the trump card that would silence the critics. In 1968, Defence Secretary Robert McNamara told the Senate Foreign Relations Committee, headed by Senator J William Fulbright, that he had texts of intercepts of Vietnamese naval traffic that proved that the Vietnamese did attack the Maddox and

the Turner Joy. The “raw” intercepts later proved to be reports on the first, uncontested attack.

A third lesson is that when taking on an administration as to the evidence presented in paving the road to war, the timing of any inquiry is critical to its success. Fulbright became sceptical of the 1964 presentation, but he could not find a way to penetrate what he came to believe was a web of deception. In 1966 he attempted unsuccessfully to repeal the Tonkin Resolution. In August 1967, as the Vietnam War fell ever deeper into a quagmire, he decided to try again. He chose me, a junior staffer with a naval intelligence background and an historian's training, to undertake a confidential inquiry into the events. Six months later that research blossomed into an executive session of the Foreign Relations Committee that contributed to Johnson's demise. It took four years to retrace accurately the road to war in Vietnam. A credible audit by the Foreign Relations Committee of the Iraq war resolution will require the same preconditions that produced the Tonkin post-mortem — the passage of time and a continuing festering of the efforts to restore peace and security to the region. Fulbright went to the Senate floor after the 1968 hearing to declare the resolution null and void — calling the resolution a “contract based on misrepresentation.”

The US Constitution is starkly clear on the war powers: “The Congress shall have the Power to declare War.” The recent Congressional performance along the road to war speaks to the deep erosion of that power. Justice Robert Jackson was prescient more

than a half-century ago when he wrote of the foreign policy powers: “There is a zone of twilight in which the president and Congress may have concurrent authority, or in which the distribution is uncertain. Congressional inertia, indifference or quiescence may sometimes, at least as a practical matter enable, if not invite, an independent presidential responsibility.” The Congressional road to war in Vietnam and Iraq was so marked.

Perhaps the most important lesson for Congress to take from this tale of two roads to war is that a declaration of war is among America's most solemn and sacred documents. The text of a document that sends citizens to fight and die for a proclaimed just cause cannot be forgiven for “stretching the truth” or justifying critical mistakes of fact by claiming that “every other intelligence service made the same mistakes.” The Foreign Relations Committee has a constitutional and moral responsibility to reconsider the text of the Iraq war resolution in the light of what will be one day a full disclosure of what was behind those clauses that moved the United States to declare war.

In 1971, in an action that drew no notice or interest, Congress repealed the Tonkin resolution. During consideration of the Iraq resolution, the precedent and lessons of Tonkin were absent. COURTESY IHT

The write, author of the forthcoming 'The Road to War: Roosevelt, Johnson and Bush,' is a former chief of staff of the Foreign Relations Committee who investigated the Tonkin incidents in 1967 and 1968