

Johnson Takes Further Steps

Twenty days after Diem's death, Kennedy was assassinated. His successor, Lyndon Johnson, now had to decide what to do about Vietnam. When Johnson was thrust into office, South Vietnam was in deeper trouble than anyone realized. For years, officials fearful of Diem's anger had concealed the extent of Viet Cong control. After his death they began sending in more accurate reports.

Diem's overthrow plunged the south into chaos. The new rulers fought among themselves and could not direct the war effort. Within a year and a half the government changed hands nine times. This gloomy picture made a grim welcome for Johnson. Like Kennedy, he was bombarded by advice. Though knowing that increased involvement was risky, he shared Kennedy's fear of appearing weak-willed to the Soviets and Chinese. Having seen Truman condemned for being "soft" on communism, he decided that inaction would be political suicide in the upcoming 1964 election.

"Tell those generals in Saigon that Lyndon Johnson intends to stand by our word," Johnson declared. Publicly he steered a moderate course of continuing aid, but privately he authorized American-directed raids against Communist bases in Laos. Plans were also drawn up for bombing raids on North Vietnam, but officials balked at launching those without Congress's backing. The only

event likely to gain the support of Congress would be a Viet Cong or NVA attack on Americans.

The Gulf of Tonkin Resolution. In August 1964 a report came out of the Gulf of Tonkin, off the coast of North Vietnam. Unknown to Congress and the public, two American destroyers were there supporting South Vietnamese gunboat raids. The captain of one radioed that he was being attacked by a North Vietnamese gunboat. Later, an attack on the other destroyer was reported.

Johnson did not wait for proof, but seized the opportunity to ask Congress for a resolution giving him power "to take all necessary measures to repel any armed attack against forces of the United States and to prevent further aggression." On August 7 the Gulf of Tonkin Resolution passed unanimously in the House. In the Senate only Wayne Morse of Oregon and Ernest Gruening of Alaska voted against it. Morse warned of giving the Presi-

dent "war-making powers in the absence of a declaration of war." Gruening said, "All Vietnam is not worth the life of a single American boy."

Johnson had misled Congress by not revealing that the destroyers were on a secret mission or that the attacks were unconfirmed. What actually happened in those waters remains a mystery. If Congress had known the truth it might not have been so quick to approve the resolution, which permitted a massive stepping-up of intervention in Vietnam. On the other hand, in the cold-war climate of the early 1960s, both Congress and the public still firmly supported the containment policy. Indeed, the two senators who voted against the resolution were defeated when they ran for reelection.

Though not a declaration of war, the Gulf of Tonkin Resolution freed the President to commit American military forces to action in Vietnam. Eventually hundreds of thousands of troops would be rotating in and out of Vietnam. After soldiers arrived "in-country," as they called Vietnam, the goal of containing communism became ever murkier in their minds. In a conflict that seemed to rewrite the "rules" of war, the primary goal was survival.

Expanding the War

Throughout 1964 North Vietnam channeled advisors and modern Chinese and Soviet weapons to the Viet Cong along a lifeline called the Ho Chi Minh Trail. This supply route, hacked out of thick jungles, snaked through Laos and Cambodia into the south. To strike at the source, Johnson launched Operation Rolling Thunder, a massive bombing campaign against North Vietnam.

Rolling Thunder continued for three years, hitting military sites, roads, and bridges, and laying

waste to the countryside. However, no strikes were allowed on Hanoi's airfield, where Soviet and Chinese planes landed, or on the Ho Chi Minh Trail in Cambodia and Laos. As

Secretary of State Dean Rusk later explained, "We took the situation very seriously in order to prevent the war from expanding into a war with the Soviet Union or China."

The operation failed to break the will of the NVA and the Viet Cong. In fact, NVA troops had begun heading down the Ho Chi Minh Trail to join the fighting in the south.

In early 1965 General William Westmoreland, the American commander, asked for two marine battalions to defend the air base at Da Nang. Marines waded ashore there on March 8, becoming the first American combat troops to arrive in Vietnam. Westmoreland soon asked for more troops and wider authority, and Johnson quickly agreed to **escalate**, or expand, the war. By the end of 1965 the troop level had risen to 180,000, and two years later it had soared to over 500,000.

Most Americans who fought in Vietnam were young, age nineteen on average, and had been drafted rather than volunteering. Most came from working-class backgrounds because many middle and upper-class youth got deferments, or postponements, of military service by enrolling in college.

African and Hispanic Americans bore far more than their fair share of the war's burden. For example, only 10 percent of the general population was African American, yet 18 percent of the troops were black, and they suffered 23 percent of the casualties. Likewise, California Hispanics, only 12 percent of the state's population, had 33 percent of its casualties. Many black and Hispanic soldiers were torn between their sense of patriotic duty and the pain of discrimination. As one said later, "We had been over in Vietnam fighting for our country, which at that point wasn't serving us properly."

The unity of the fighting force was threatened not only by racial tensions but also by the constant rotation of soldiers. A new soldier was thrust into a platoon of strangers, and when his year-long tour of duty ended, or if he got a "million-dollar wound," he was sent home alone. Each platoon was in a state of flux, with officers and enlisted men changing every month. Many casualties resulted from soldiers being unaccustomed to each other as well as to the terrain and enemy strategies.

A Different Kind of War

From the moment soldiers arrived "in-country" until they returned to "the World," they were engulfed in a conflict unlike any other their country had fought. This was not a conventional war where the enemy and enemy territory could be clearly identified. This was "Nam," where the enemy was as likely to be a civilian as a soldier and could be lurking anywhere. One marine noted,

"You never knew who was the enemy and who was the friend. A woman watches your men walk down a trail and get killed or wounded by a booby trap. She knows the trap is there, but she doesn't warn them."

The Americans were armed with modern weapons, with soldiers using infrared cameras to detect the heat of an unseen enemy. A highly flammable

jellied gasoline called napalm and the chemical "Agent Orange" destroyed vegetation, depriving the enemy of food and cover. In the air, on the land, and on the sea, the American arsenal was superior.

Technical superiority did not ensure victory, though. The Viet Cong fought by guerrilla tactics: withdraw when the enemy advances, harass when he digs in, ambush when he least expects it. It was the infantry, the "grunts" trudging under sixty pounds of equipment, that took the heaviest casualties. Slogging through forests, they might set off grenades tied to vines or fall into brush-covered pits spiked with bamboo stakes.

Climate and terrain, too, were enemies. Monsoon rains grounded aircraft and created mud fields that sucked in artillery. Tropical heat roasted men carrying heavy equipment, and dense forests provided cover for guerrillas. "You begin to wonder if the VC are even out there," wrote a marine. "And all the time you know they are."

Search and destroy. To root out the hidden foe, patrols set out on "search and destroy" missions, sometimes burning villages suspected of

hiding Viet Cong. Victory was measured by "structures" destroyed and the "body count." One newcomer described what happened after his unit, including a hardened veteran he called "The Killer," attacked a hideout and pulled out three bodies:

"I certainly wasn't expressing the confusion and doubt that was going on inside of me. The S2 [staff officer] is saying, 'Wow, body count three. You guys are really dynamite.' Then someone notices the third guy, the young one, that his chest is moving. He is breathing.

The Killer kneels down, takes out his .38 snubnose, sticks it right into the kid's temple, and looks up. I guess he wanted to get some kind of permission. He says something like, 'We take no prisoners, right?'

Something happened. I came back to earth. I became immediately decisive without a moment's hesitation. I said, 'You can't just kill that man.' The Killer went into a tantrum, 'We'll take this guy to the police and some relative will come and bribe whoever

gets bribed and this guy will be back again planting mines in the road. If we don't kill this guy, he's going to be killing more GIs. . . .

Those guys never trusted me after that. ”

Just as fear and frustration led some soldiers to “take no prisoners,” the suspicion that anyone could be the enemy sometimes led to atrocities against civilians. One came to national attention a year after it occurred in March 1968. Soldiers had killed some 400 civilians in the village of My Lai, a suspected Viet Cong hideout. The officer in charge, Lieutenant William L. Calley, Jr., was court-martialed, but many Americans wondered if there were other “My Lai massacres” left unreported.

A Clash of Cultures

As Johnson “Americanized” the war, a transformation took place. The 600,000-man ARVN, which had been the front-line force fighting for South Vietnam, increasingly depended on the Americans. Noted one observer:

“ I watched the South Vietnamese fighting spirit evaporate in direct proportion to increases in the level of U.S. aid, combat assistance, and advice that was poured in. ”

The influx of American dollars and goods also contributed to government corruption in Saigon. Thus, while Americans spoke of protecting democracy, South Vietnamese leaders merely sought to tighten their grip on power.

American policies contradicted each other, too. The military campaign blotted out efforts to “win the hearts and minds” of villagers. Volunteers set up programs to help villagers, only to see their work undone by bombing raids. Many soldiers became frustrated with the confused policies, which one pilot summarized as “feed ‘em and bomb ‘em.” Others failed to recognize the contradictions. After shelling a village, an officer bluntly declared, “It became necessary to destroy the town in order to save it.”

Deep cultural misunderstandings stood between the Vietnamese and the Americans. Seeing the strong value that Vietnamese place on family and village, many Americans falsely concluded that they did not value individual life.

Racism, too, played a role in hardening soldiers’ attitudes toward Vietnamese allies as well as enemies. Calling them “gooks,” as many soldiers did, somehow made them seem less than human. When asked about the killing of innocent civilians, one soldier replied, “What does it matter? They are all Vietnamese.” Scoffing at the goal of winning hearts and minds, another stated flatly, “We’re here to kill gooks, period.”

American Voices

You never knew who was the enemy and who was the friend. ”

—An American Marine

The actions of Americans were influenced by the terrors and uncertainties of fighting an often-

unseen enemy, resentment of lukewarm support from their ARVN allies, and prejudice against the very people they had been sent to defend. Many

turned a blind eye to civilian casualties. Targets were designated “free fire zones,” giving the green light for unrestricted bombing, artillery fire, and helicopter strafing.

Lacking an understanding of the people’s closeness to the land, soldiers insisted that farmers move to “pacified” areas. One old man replied,

“ I have to stay behind to look after this piece of garden. Of all the property handed down to me by my ancestors, only this garden now remains. How can I have the heart to leave? ”

For most villagers, political differences between “democracy” and “communism” meant little. The Viet Cong also destroyed villages after suspecting residents of siding with the enemy. Thousands of civilians were killed each year by both sides, and some 4 million became refugees.

Tet: The Turning Point

By 1968 American and ARVN forces had gained much territory, but when they withdrew from "pacified" areas, the Viet Cong usually moved back in. American troops seemed to be merely buying time for a government that refused to earn the people's loyalty. If anything, the bombing increased opposition to the Saigon government.

Meanwhile, at home Johnson was losing support on two fronts. Some people felt that getting involved had been a mistake, while others called for a tougher policy. The frustration was reflected by a popular bumper sticker: "WIN OR GET OUT."

Eager to convince the doubters, Johnson put pressure on military leaders to show that the United States was winning. Unwilling to admit their problems, they sent falsely optimistic reports, and Johnson kept assuring the public that victory was in sight. In January 1968 the embassy in Saigon planned a party to celebrate Tet, the Vietnamese lunar New Year. "Come see the light at the end of the tunnel," said the invitations.

Such optimism was shattered on January 30, the first day of Tet, when 84,000 Communist soldiers launched a major offensive throughout the South. American and ARVN troops drove the invaders out of the cities and military bases they had overrun.

Still, the Communists had scored a stunning psychological victory by sweeping into cities thought safe and catching the south off guard.

The Tet Offensive proved to be the major turning point of the war. The *Wall Street Journal* warned, "The American people should be getting ready to accept, if they haven't already, that the whole Vietnam effort may be doomed."

The Antiwar Movement

The shock of Tet gave strength to the antiwar movement back home. By 1968 American casualties had risen to over 35,000, and the war was costing \$25 billion a year. Many people thought that lives and dollars were being squandered to support a corrupt regime while anti-poverty programs at home were crying for funds.

Some critics agreed with the aim of containing communism but considered the war unwinnable, while others saw it as a civil war in which the United States had no business intervening.

As the war escalated, many young men had refused to be drafted. Some were **conscientious objectors**, people who refuse to take part in war because killing other persons is against their moral

or religious principles. Others were opposed only to fighting in Vietnam. They burned their draft cards, went to jail, or starved or injured themselves to gain medical exemptions. About 100,000 took refuge in other countries, and in the armed forces an estimated 50,000 deserted.

The war divided the nation as no issue had since the American Civil War, splitting it into opposing camps of prowar **hawks** and antiwar **doves**. Government policies bred distrust among many youth, adding fuel to the counterculture movement. Protestors on college campuses chanted "Hey, hey, LBJ, how many kids did you kill today?" Conversations in thousands of homes were poisoned by bitter arguments.

Meanwhile, support for the war was also weakening in Washington. Senator William Fulbright, chairman of the Senate Foreign Relations Commit-

tee, became a leading critic of Johnson's policy. At televised hearings of the committee in 1966 and 1967, government and business leaders, ministers, and educators spoke out against the war. Several of Johnson's advisors, including Secretary of Defense Robert McNamara, could no longer support his war policy, and resigned.

The turmoil tore at those serving in Vietnam. Some became protestors themselves when they came home. Many others, though, felt betrayed by the antiwar movement. One nurse, Lieutenant Lynda Van Devanter, wrote home,

"It hurts so much sometimes to see the paper full of demonstrators, especially people burning the flag. . . . Display the flag, Mom and Dad, please, every day. And tell your friends to do the same. It means so much to us to know we're supported, to know not everyone feels we're making a mistake being here."

Conflict over the war had erupted side by side with the civil rights struggle and particularly tore at African- and Hispanic-American soldiers. Many black soldiers wanted to quit the war after Martin

Luther King, Jr., spoke out against it, and especially after he was murdered in 1968. The Communists tried to take advantage of the racial tensions. Fighter pilot Colonel Fred Cherry recalled that when he

was captured, North Vietnamese guards pressured him to side with them as people of color:

“I told them, ‘We have problems in the U.S., but you can’t solve them. Like you, I am a uniformed soldier. . . . I can’t do what you ask.’ They never got to home plate. Just like when they beat me, I always kept in mind I was representing 24 million black Americans. If they are going to kill me, they are going to have to kill me. I’m not going to denounce my government.”

The impact of the media. Military leaders blamed the media for the decline in public support. The war was the first to be widely televised as well as covered by newspaper and magazine reporters in the field. Articles, photographs, and especially video footage of death and destruction shocked Americans.

Prior to Tet, news coverage had generally supported American involvement. But Tet changed the mood of the media, which increasingly questioned optimistic government reports. Meanwhile, the sight of dead marines outside the American embassy had more impact on television viewers than did official statements about victory. And when CBS anchorman Walter Cronkite, the country’s most trusted journalist, announced he had lost faith in the war policy, Johnson fretted, “If I’ve lost Walter, I’ve lost the support of Mr. Average Citizen.”

Nixon Elected in 1968

1968 was a presidential election year. The Tet Offensive and growing opposition to the war crushed Johnson’s hopes for reelection, and he decided not to run. His withdrawal intensified the Democratic race. Senator Eugene McCarthy had already attracted support among antiwar voters, especially young ones. Senator Robert Kennedy, now a dove himself, also entered the race. However, moments after he won the key California primary, Kennedy was killed by a lone assassin.

In the aftermath of Kennedy’s death, Vice-President Hubert Humphrey emerged as the leading candidate. The Democratic Convention in Chicago nominated him, even though his defense of Johnson’s Vietnam policy angered delegates who wanted a complete withdrawal.

While the Democrats conducted business inside the convention hall, the war issue was being thrashed out in the streets. Thousands of antiwar

protestors who had gathered in Chicago clashed with National Guard troops and police. Battles between club-wielding police and taunting, bloodied demonstrators flashed across television screens. In stark contrast the Republicans, meeting in Miami, peacefully nominated Richard Nixon.

Capitalizing on public dismay at violent war protests, Nixon pledged to restore “law and order”

and “bring us together.” Competing for the conservative vote was Governor George Wallace of Alabama, candidate of the American Independent Party, whose campaign struck a more hawkish note. In a very close race, Nixon and Humphrey each received 43 percent of the popular vote. The final tally of electoral votes gave Nixon the victory, 301 to 191, with 46 for Wallace.

Vietnamization

Having promised “peace with honor,” Nixon took office determined not to be the first President to lose a war. Yet he recognized that antiwar feeling was too strong to permit an all-out effort to achieve victory. In November 1969 he announced a gradual withdrawal of all American forces. Continued withdrawals, he explained, would depend on the enemy’s actions and the progress of peace talks that had begun in 1968 in Paris.

Withdrawals would also depend on “Vietnamization,” the key to Nixon’s plan. The United States would equip the ARVN to fight the war. “As the South Vietnamese become strong enough to defend their own freedom,” Nixon promised, Americans would come home. Meanwhile, Nixon supporters, whom he hailed as the “great silent majority,” attended “pro-America” rallies. The antiwar movement responded with its own rallies, which also drew hundreds of thousands.

Into Cambodia and Laos. Along with his public policy, Nixon pursued a secret course in Cambodia. The NVA had set up bases in Cambodia, striking at South Vietnam and then retreating across the border to safety. In March 1969 Nixon launched a secret bombing campaign against these bases, hoping to prod North Vietnam to make concessions. But the peace talks remained stalled, and the Communists continued their cross-border raids.

By March 1970 Cambodian Communists were threatening the country’s non-Communist government. Responding to the government’s plea for help, Nixon ordered troops into Cambodia. Although the invasion slowed Communist activity in South Vietnam, it increased conflict in Cambodia.

At home, news of the invasion set off a furious wave of protests. On May 4, during a tense confront-

tation at Kent State University in Ohio, National Guard troops fired into a crowd, killing four students. Two more died during protests at Jackson State College in Mississippi. Meanwhile, the "silent majority" staged their own demonstrations in support of Nixon.

Members of Congress complained that Nixon had exceeded his powers by ordering troops into a neutral country without consulting Congress. In December 1970 Congress repealed the Gulf of Tonkin Resolution and prohibited the use of American troops in Cambodia or Laos.

Nixon, though, was intent on blocking the Ho Chi Minh Trail in Laos. Barred by Congress from sending troops, he had to settle for ARVN ground forces with American air support. It would be a test of Vietnamization. In February 1971 ARVN troops invaded Laos, but their blundering operation failed to dent the Communist supply line.

Gathering gloom. The Laotian campaign spread gloom among the South Vietnamese, many of whom believed that the Americans were abandoning them. Meanwhile, American troops, frustrated by a seemingly unwinnable war, grew more restless. Drug use soared, racial tensions flared, and some GIs even attacked their officers. "Everybody seemed to be at everybody else's throat," reported one soldier.

In Washington, D.C., 200,000 marchers protested the invasion. When a disapproving woman

scolded a protestor, "Son, I don't think what you're doing is good for the troops," he replied, "Lady, we *are* the troops!" He was one of 2,000 Vietnam veterans at the demonstration.

Criticism continued to mount. In the summer of 1971 a former Defense Department aide named Daniel Ellsberg gave copies of secret government documents to the *New York Times*. They revealed that Johnson and Nixon administration officials had lied to the nation about Vietnam. When the *Times* published the "Pentagon Papers," opposition to the war reached a new high.

By the beginning of 1972, Nixon had reduced the number of troops by over one half. But he continued air raids on the Viet Cong and the NVA in Vietnam, Cambodia, and Laos. In March the NVA launched a major offensive against South Vietnam. The Americans countered with intensive bombing of Hanoi and the port of Haiphong but failed to halt the advance.

Nixon tried to stop the flow of Soviet and Chinese supplies by ordering bombing strikes on supply routes and railroads and a naval blockade of North Vietnam. These would end, he said, when the North accepted a cease-fire.

The Paris Peace Talks

At last, peace negotiations began to show promise. But the real decisions were made not at the official talks but in secret meetings between Nixon's foreign policy advisor Henry Kissinger and North Vietnamese negotiator Le Duc Tho. Meeting outside Paris, the two could talk directly without interference from the Saigon regime or the Viet Cong. The meetings, which began in early 1970, had sputtered on and off for over two years as the two men matched diplomatic skills.

Finally, in October 1972, Kissinger announced a breakthrough and Nixon halted the bombing. But South Vietnamese President Nguyen Van Thieu objected, and then the North Vietnamese began to stall. An angry Nixon ordered round-the-clock bombing raids on Hanoi and Haiphong in December. After eleven days and 40,000 tons of bombs, the north agreed to talk again, and Nixon once more stopped the bombing.

In January 1973 all parties signed an "Agreement on Ending the War and Restoring Peace in Vietnam." The pact called for an immediate cease-fire, the withdrawal of all American forces, and the release of American prisoners of war (POWs). Thieu was instructed to work with the Viet Cong to

organize elections in the south, and North Vietnam was permitted to keep 150,000 troops there.

By the end of March, over 500 POWs had been released, and the last American forces had departed. Some 7,000 American civilians and a few military personnel remained to staff government offices. Still, the situation was not settled.

The Fall of South Vietnam

When Thieu refused to cooperate with the Viet Cong, South Vietnam again plunged into warfare. In March 1975 the NVA launched their final assault. One city after another fell as they rolled south. Millions of refugees fled, some to the coast to escape by sea, others to Saigon with the retreating ARVN. On April 21 Thieu resigned, blaming the United States for his government's fall. By then, evacuation flights were leaving Saigon day and night.

On April 29 Saigon's American-owned radio station played "White Christmas," followed by a

weather report: "The temperature in Saigon is 105 degrees and rising." This was a signal for Americans to flee. Communist bombing had closed the airport, so the only way out was by helicopter. About 140,000 South Vietnamese were also airlifted to waiting ships, but in the panicky evacuation many more had to be left behind.



By the next morning only one rescue point remained: the rooftop of the American embassy. At 7:53 a.m. Marines lowered the American flag and boarded the last helicopter. That same day the government of South Vietnam surrendered.

Lessons of the War

In the years since the war, some Americans have pointed to what they call a harmful "Vietnam syndrome," referring to the nation's reluctance in the wake of Vietnam to take decisive action overseas. Others, though, believe that the memory of Vietnam should keep the country cautious about entering another war.

In looking for military lessons, some have argued that the military's hands were tied by politicians and that the United States could have won with more firepower early in the war. Others, though, have noted that the Americans won every major battle, yet did not win the war. The United States, they argue, lacked a clear overall strategy, and in any case could not crush the will of the North Vietnamese and Viet Cong, who were prepared to take whatever losses were necessary to win.

Others focused on political and moral lessons. For Dean Rusk the main message was to look carefully at implications of alliances. For Senator Fulbright another lesson was more important:

“The biggest lesson I learned from Vietnam is not to trust government statements. I had no idea until then that you could not rely on government statements.”

Supporters said that the war's bloody aftermath proved that it was right to have tried to stop the Communists. Critics argued that the United States sided with an undemocratic regime. They also said the domino theory was disproved because Thailand, Malaysia, Singapore, and Indonesia did not fall to communism.

Former POW James Stockdale noted one lesson that most Americans could probably agree on:

“Only the Congress, only the people, can declare war. If the people don't understand a war, if they don't support it, our armed conflicts will degenerate into halfhearted deceptive measures.”

Congress learned that lesson well. In 1973, it passed the War Powers Act, forbidding the President to send troops into combat for more than ninety days without congressional approval. Over the following years Congress placed added restrictions on the President's power to make war.

King, David C., McRae, Norman and Jay Zola.
The United States and Its People.
Menlo Park, CA: Addison-Wesley, 1995.

The United States in Vietnam Questions

Read “The United States in Vietnam” and answer the following questions:

1. How did the Gulf of Tonkin Resolution change the U.S. presence in Vietnam?
2. What was the Ho Chi Minh Trail and where was it located? What countries helped supply it?
3. Why were American airstrikes not allowed to hit airfields in North Vietnam where Soviet and Chinese planes landed?
4. Explain why the majority of American men who served in Vietnam were from working class or poorer backgrounds and were often African American or Hispanic.
5. Describe three major challenges of fighting in South Vietnam for American soldiers.
6. What happened at My Lai in South Vietnam? Based on your reading of the challenges for U.S. servicemen in Vietnam why do you think the incident happened?

7. Based on what you have read, why do you think that American servicemen were failing at “winning the hearts and minds” of the people of South Vietnam?

8. Explain two reasons that many Americans back in the states began to oppose the U.S. presence in Vietnam.

9. Explain two ways in which some men tried to get out of serving in Vietnam.

10. Explain how the media impacted public opinion about the war in Vietnam.

11. President Nixon’s plan for “Vietnamization” called for the gradual withdrawal of American troops but also what for the ARVN?

12. What happened at Kent State University in Ohio and at Jackson State College in Mississippi?

13. What did each side get in the 1973, “Agreement on Ending the War and Restoring Peace in Vietnam”?

14. What eventually happened to South Vietnam?

15. What is the War Powers Act?