

have been expressed from some quarters that the Philippine Mission in Japan may be eventually reduced to a mere governmental agency if the state of war with Japan is not terminated. And in the event Japan decides to withdraw the privileges accorded the mission and its personnel, the Philippine ambassador may be stripped of his diplomatic privileges and immunities. The wide business interests of Filipinos in Japan may be adversely affected by this failure to ratify, and may produce serious repercussions in the general scheme of Philippine economy.⁶⁴ The time will not now be long when these fears will be confirmed or dispelled. In the meantime, we cannot do anything but wait.

E. Conclusion.

Whether posterity will judge our senators right or wrong, one thing will stand out clearly silhouetted in the canvas of our history: that whatever they did, they did for the sake of the country, conscious always of their responsibility to their people, acting always with the view to implementing the security of our nation. Today, when our foreign policy is being put on trial before searching and scrutinizing eyes, this will serve to show that when our opportunity came, we took it, and were able to stand our own ground. If history proves our Senate wrong, there is the consolation that it fought for what it believed was ours; that it firmly stood for what according to its conscience belonged to us, and that in the fight for what we believed was ours, anything was worth the risk.

BIENVENIDO P. FAUSTINO

THE POWER OF THE PRESIDENT TO SEND TROOPS TO FIGHT ABROAD WITHOUT DECLARATION OF WAR

The President does not have the power to declare war. Under our Constitution, only Congress has the power to declare war.¹ A similar provision is found in the American Constitution.² Today, however, without any formal declaration of war by Congress, Filipino troops are fighting side by side with American troops against the Communist hordes in Korea. The question then may well be asked as to whether today, the Constitutional provision giving Congress the sole power to declare war has been abrogated and repealed. Has the power to declare war been transferred from Congress to the President? If not, whence the authority of the President to send troops, material, and equipment to Korea?

⁶⁴ *Manila Times*, July 4, 1952.

¹ "The Congress shall, with the concurrence of two thirds of all the members of each House, have the sole power to declare war." Art. VI, Sec. 25.

² "Congress shall have power to declare war, grant letters of marque and reprisal and make rules concerning captures on land and water." Art. I, Sec. VIII, Subsec. 11.

The President is Commander in Chief of the Armed Forces and may call out such armed forces to repel an invasion or to suppress lawless violence, insurrection, or rebellion.³ Under this clause, is the sending of troops to Korea justified? This provision refers to the calling out of troops to fight on Philippine soil, to preserve Philippine independence, integrity, honor, maintain internal peace. But this would be to take the literal and narrow interpretation of the provision in question. The Constitution was designed to meet the changed and ever changing conditions of the times, the needs and necessities of the present. Today, the world is divided into two camps, the Western Democracies and the Communist states. A nation can not remain aloof and still hope to be free. The Philippines is geographically situated that a threat to the peace and security of Asia is a threat to our peace and security. If the defenses of the West in Korea collapse, the onrushing tide of the Communist menace will certainly not stop there but go forward till one day the fighting will be on this land, the people killed our people, the homes ravaged our homes.

The President takes care that our laws be faithfully executed.⁴ What are these laws that are to be faithfully executed? In the United States Justice Miller writing the decision of in re Neagle⁵ in 1890 asked—"Is this duty limited to the enforcement of acts of Congress or of treaties of the United States according to their express terms, or does it include the rights, duties, and obligations growing out of the Constitution itself, our international relations and all the protection implied by the nature of the government under the Constitution?" The answer is found in Attorney General William Wirt's statement nearly eighty years earlier. "The laws to which the *faithfully executed* clause referred comprised not only the Constitution, statutes and treaties, but also those general laws of nations which govern the intercourse between the United States and foreign nations. The United States, having become a member of the Society of Nations, was obliged to respect the rights of other nations under that code of laws and the President, as the chief executive officer of the laws and the agency charged with the superintendence of the nation's foreign intercourse, was bound to rectify injury and preserve peace."⁶ Alexander Hamilton writing under the pseudonym

³ "The President shall be Commander-in-Chief of all armed forces of the Philippines and, whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privileges of the writ of habeas corpus, or place the Philippines or any part thereof under martial law." Art. VII, Sec. 10, Sub-sec. 2.

⁴ "The President shall have control of all the executive departments, bureaus, or offices, exercise general supervision over all local governments as may be provided by law and take care that the laws be faithfully executed." Art. VII, Sec. 10, Sub-sec. 1.

⁵ 135 U.S. 1, 64.

⁶ CORWIN, THE PRESIDENT, OFFICE AND POWERS, p. 236 citing Opin. Attorney General 566, 570-571.

"Pacifcus" had written to like effect.⁷ Lincoln derived his "War Power" from the Commander in Chief Clause and the "faithfully executed" clause.⁸ Our Constitution in Art. II, Sec. 3 states that the Philippines adopts the "generally accepted principles of international law as part of the law of the nation."⁹ The President then having the duty to take care that the laws be faithfully executed assumes the duty to execute those "generally accepted principles of international law." The Philippines being a member of the UN, it was bound by and had to comply with the Security Council's decision to defend the Republic of Korea from the Communist attack two years ago.¹⁰ Disregarding the UN and the commitments of the Philip-

⁷ Hamilton had written under the pseudonym *Pacifcus* in a series of articles in *The Gazette of the United States*. The President is the Constitutional EXECUTOR of the laws. Our treaties and the laws of nations, form a part of the law of the land. He, who is to execute the law, must first judge for himself of their meaning. In order to the observance of that conduct which the laws of nations, combined with our treaties, prescribed to this country, in reference to the present war in Europe, it was necessary for the President to judge for himself, whether there was anything in our treaties, incompatible with an adherence to neutrality. *Op. cit.* at p. 237.

⁸ "The President shall be 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. * * *" (Art. II, Sec. 2, Sub-sec. 1) * * * he shall take care that the laws be executed * * *" (Article II, Sec. 3). From these two clauses, Lincoln derived the *War Power* justifying the series of extraordinary measures which he took in the interval between the fall of Fort Sumter and the convening of Congress on July 4, 1861. During this period of ten weeks, Lincoln embodied the available state militias into 90 day volunteer forces called 40,000 volunteers for three years service, added 23,000 men to the Regular Army and 18,000 to the Regular Navy, paid out 2 millions from unappropriated funds in the Treasury to persons unauthorized to receive it, closed the Post office for Treasonable correspondence, proclaimed blockade of the Southern ports, suspended the writ of Habeas Corpus in various places, caused the arrest and detention of persons "who were represented to him" as being engaged in or contemplating "treasonable practices" "—and all these for the most part without statutory authorization." *Op. cit.*, at pp. 277-278.

⁹ "The Philippines renounces war as an instrument of national policy, and adopts the generally accepted principles of international law as part of the law of the nation." Art. II, Sec. 3.

¹⁰ Articles 41 to 43 of the UN CHARTER, provides: Article 41—"The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations."

Article 42—"Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations."

Article 43—"I. All members of the United Nations, in order to contribute to the maintenance of International Peace and Security, undertake to make available to the

pires to it, we may also argue that since the President is given a wide discretion in the conduct of our country's foreign relations and is "the sole organ of the nation in its external relations and its sole representative with foreign nations" he may act in such a way as to make war inevitable. The power of our President in foreign affairs is, we submit, the same as that of the President of the United States. American history is replete with instances where the President had placed the nation in such a position that war was but the natural outcome.¹¹ The Hamiltonian conception of the "executive power" is in support of the proposition that the President has war

Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided."

The United States Government called the members of the Security Council to an emergency meeting immediately after hearing of the attack of North Korea on South Korea. The Security Council adopted a resolution on June 25, 1950, the very day of the attack, calling for a cessation of hostilities and the withdrawal of North Korean troops from South Korean soil. Failing to heed this resolution, North Korean troops continued their march towards Seoul, capital of the Republic Korea. It was generally suspected that North Korea, with its Communist government, was being encouraged by Soviet Russia. On June 26, a day after the North Korean invasion, President Truman personally took over direction of U.S. Anti Communist aid in the Far East, denouncing the Red invasion of South Korea as lawless action and a threat to peace which cannot be tolerated. On June 27, 1950 pursuant to the resolution of the Security Council of June 25, President Truman on behalf of the United States Government announced that air and sea forces of the United States Armed Forces were engaged in giving over land support to the troops of the Republic of Korea. By virtue of its powers under the UN Charter, the Security Council called upon UN members for armed aid to the Korean Republic in its resolution of June 27, 1950.

¹¹ The President may not legally declare war, but he may take action that makes war inevitable. During the months preceding the outbreak of the Mexican War, President Polk had American troops stationed near the Rio Grande, on territory in dispute between Mexico and the U.S. When a Mexican force crossed the river and ambushed a detachment of American soldiers, Polk declared that war existed "by act of Mexico herself," and Congress then made the formal declaration of War. It is interesting to note that Lincoln, then representing an Illinois district in Congress, said that "the War was unnecessarily and unconstitutionally commenced by the President." On April 19 and 27, 1861, Lincoln as President proclaimed blockades of the Southern ports, and these proclamations the Courts held to be conclusive evidence that War existed, although Congress didn't formally declare war until July 13, 1861.

McKinley sent the battleship *Maine* to Havana, where it was blown up, making the Spanish American War inevitable. Wilson's policy toward Germany during 1915-17 finally brought us to where we either had to go to war or ignominiously yield every principle he had asserted. At other times the Commander-in-Chief has brought us to the verge of war without actually precipitating it. Cleveland narrowly missed bringing on a war of England over the first Venezuelan dispute in 1895. Capture of Vera Cruz (1913) by Admiral Mayo, acting under an order from President Wilson

making powers.¹² But will not this proposition be in conflict with the constitutional provision of both the American and Philippine Constitutions giving Congress the sole power to declare war? In the United States, Presidents have used force abroad without Congressional authorization and they have been defended by their supporters with the argument that when action of this character is in defense of what international law itself recognizes as rights of person and property, it is not an act of war nor is it a legitimate cause for war-like retort by the country suffering from it.¹³ Such action has received judicial sanction. One of the precedents relied upon by Justice Miller in the *Neagle* case was the case of *Durand v. Hollins*,¹⁴ a case arising out of the bombardment in 1854 by Lieutenant Hollins of the USS *Cyane* of Georgetown, Nicaragua, in default of reparation from the local authorities for an attack by a mob on a United States Consul stationed at that place.¹⁵

Will the President's acts be confined to "acts of defense" or is there a distinction between such acts and "acts of war?" To use again an American example, we find Hamilton writing as "Lucius Crassus" in 1801 attacking Jefferson's argument that until and unless Congress formally declares war American Naval forces have only rights of self defense against vessels of the Bey of Tripoli. His point was that when another power makes war upon the United States, the fact of war exists with or without the declaration of

might well have led to a bloody war with Mexico. Acting again under the sole authority of the President, American troops cooperated in fighting the Bolsheviks in 1918-19 an intervention for which the Soviets asked reparations.

JOHNSON, GOVERNMENT OF THE UNITED STATES, p. 259, citing BERDAHL, WAR POWERS OF THE EXECUTIVE IN THE U.S. and TONSILL, WAR POWERS OF THE PRESIDENT.

¹² This serves as an example of the right of the executive, in certain cases, to determine the condition of the nation, though it may, in its consequences, affect the exercise of the power of the legislature to declare war. Nevertheless, the executive cannot thereby control the exercise of that power. The legislature is still free to perform its duties, according to its own sense of them; though the executive, in the exercise of its constitutional powers, may establish an antecedent state of things, which ought to weigh in the legislative decision.

The division of the executive power in the Constitution creates a concurrent authority in the cases to which it relates. CORWIN, at p. 218, see note 6, *supra*.

¹³ This principle was recognized, by the United States when it condoned the action of Great Britain, in connection with the Canadian Rebellion of 1837 in invading American waters and destroying the *Carolina*, a vessel which was being employed by American sympathizers, with the rebels to convey arms to them. And the benefit of the same principle was accorded the U.S. by the Chinese Imperial Government in 1901, when it formally conceded that President McKinley's action in joining the powers in defense of the legations in Peking against the Boxers had not constituted an act of war. *Op. cit.* at p. 241.

¹⁴ *Op. cit.* citing 4 Blatch 451 (186).

¹⁵ As Executive head of the nation the President is made the only legitimate organ of the General Government * * *. It is to him, that citizens abroad must look for protection of person and of property, and for the faithful execution of the laws, existing and intended for their protection.

Congress.¹⁶ The same question was presented in 1846 when Mexico passed the boundary of the United States. President Polk's statement that war exists¹⁷ was assailed by Senator Calhoun on the ground that "in the sense of the Constitution, war could be declared only by Congress,"¹⁸ a contention that met the vigorous opposition of Senator Cass of Michigan, who agreed with Hamilton's opinion fifteen years earlier.¹⁹ It will be observed that in foreign wars, the declaration of war by Congress have always taken the form of merely recognizing a state of war begun by the hostile acts of the other party, and so never exceeded the power which Hamilton claimed for

The great object and duty of Government is the protection of the lives, liberty, and property of the people composing it, whether abroad or at home; and any Government failing in the accomplishment of the object, or in the performance of this duty is not worth preserving.

Durand v. Hollins, 4 Blatch 457 (1860).

¹⁶ The plain meaning of the Constitution, Hamilton asserted was "That it is the peculiar and exclusive province of Congress, when the nation is at peace to change that state into a state of war; whether from calculations of policy as from provocations, or injuries received; in other words, it belongs to Congress only, to go to war. But when a foreign nation declares, or openly and avowedly makes war upon the United States, they are then by the very fact already at war, and any declaration on the part of Congress is nugatory, "it is at least unnecessary." CORWIN, at p. 243, see note 6, *supra*, citing Works (Hamilton, ed.) VII 745-748.

¹⁷ President Polk in his message of May 11, 1846, wrote: "After reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory and shed American blood upon the American soil. She has proclaimed that hostilities have commenced, and that the two nations are now at war.

In further vindication of our rights and defense of our territory, I invoke the prompt action of Congress to recognize the existence of war, and to place at the disposition of the Executive the means of prosecuting the war with vigor, and then hastening the restoration of peace." *Op. cit.* at p. 243 citing, Richardson IV pp. 442-443.

¹⁸ *Op. cit.*, at pp. 243-244 citing Benton, Abridgement XV 491, 500.

¹⁹ "There can be no hostilities undertaken by a government which do not constitute a state of war. War is in fact, sir, created by an effort made by one nation to injure another. One party may make war, though it requires two parties to make a peace. The Senator from South Carolina contends that as Congress alone has a right, by the Constitution to declare a war, therefore there can be no war till it is thus declared. There is here a very obvious error. It is certain that Congress alone has the right to declare war. That is, there is no other authority in the United States, which on our part, can change the relations of peace with other country into those of war. But another country can commence a war against us without the cooperation of Congress. War may be commenced with or without a previous declaration.

All these facts prove conclusively that it is a state of hostilities that produces war, and not any formal declaration. * * * If the view, presented by the honorable Senator from South Carolina, is correct, we are not at war till Congress has acted upon the subject. One party, then, is at war, while the other is at peace; or at any rate, in this new intermediate state of hostilities before unknown to the world. Now, sir, it is very clear that Mexico is at war with us, we are at war with her. If she terminates the peaceful relations between the two countries, they are terminated whether we consent or not. The new state of things thus created, does not depend

the President acting alone.²⁰ In the United States time and again, Presidents have performed gestures of obeisance to Congress's "power to declare war." Jefferson, Madison, Jackson, Buchanan, Lincoln, Grant, McKinley, Wilson, and Franklin D. Roosevelt are all on record with words of deference. Franklin D. Roosevelt qualified his "utmost sympathy" message to France of June 14, 1940 with the warning, "These statements carry with them no implication of military commitments. Only Congress can make such commitments." Three months later Roosevelt by effecting the "Fifty Destroyer Deal" converted as it were at the blast of a trumpet the international status of the United States from a neutral to that of a quasi belligerent. The later steps by which the United States passed gradually into actual "shooting war" underscore the same moral. The contention that "Pacifcus" reading of the "executive power" clause contravened the intention of the Constitution that the war making power should lodge with legislative authority had been amply vindicated.

In sending the Philippine Expeditionary Force to Korea, President Quirino met no opposition, from Congress. In fact it was Congress that initiated, encouraged and made possible the sending of troops, material, and equipment to Korea. The President, at the beginning of the Korean conflict, stated that the Philippines as a member of the UN sympathized with South Korea and was willing to stop the Communist aggressors, but due to the Nation's finances and the conditions at home requiring every available force to fight the Communists within the country she could not at the time send troops to the front.²¹ One of the most rabid proponents of armed aid to Korea was Representative Macapagal, Chairman of the House Foreign Relations Committee who urged the President to reexamine our policy of not sending Filipino troops to Korea, renewing the drive among House Members for the sending of a token force to

upon the will of Congress. The two nations are at war, because one of them has chosen to place them both in that attitude. *Op. cit.*, at p. 244 citing Benton, Abridgement XV 491, 500.

²⁰ *Op. cit.* at p. 244-245.

²¹ "As a member of UN we share fully these commitments. But these commitments are clearly defined and fixed more strongly still by the existing bonds of friendship between the United States and the Philippines—bonds which, though requiring no formal instruments to maintain are set forth in two treaties between them—the agreement concerning military bases and the agreement concerning military assistance to the Philippines. The basic assumption in both agreements is that the governments of the two countries realize the need for taking the necessary measures to promote their mutual security and to defend their territories and areas, placing their forces and resources under the UN to help maintain world peace, especially in the Pacific. These become operative to the extent that the security of this country and the requirements of our mutual defense with the United States may become directly involved in further developments of the Korean situation.

"The Philippine government has pledged its support of the UN effort in Korea to the limit of its available resources. We have promised to send materials and equipment, part of which is already there, and we have offered to enlist Filipino volunteers to fight under the UN flag in Korea. * * *

fight with the UN Police Force.²² A public hearing was conducted by the joint committee on Foreign Affairs and Army where Delegate Romulo of the UN spoke for the sending of troops as the best way of showing that the Philippines has kept faith with her commitments to the UN, her Constitution, and her heritage. Meanwhile in the Senate, members of the Joint Commissions of Army, Navy, and Military Pensions also urged the sending of every possible aid to Korea.²³ Then on August 27, 1950 a concurrent resolution sponsored by Senators Cuenco, Peralta, and Sumulong was passed as an expression of Congressional policy and for eventual implementation.²⁴ Senate President Cuenco defined the stake of the Philippines in the

"Though our country needs its available troops to put down its political dissidents at home, 'we shall make sacrifice for fight we must if fight we need.' * * * We are not going to dodge our responsibility nor renounce our honor to fight side by side with the rest of the world in this world conflict."

President Quirino's address on the opening of the special session of the Second Congress, August 1, 1950. 46 O. G. 3613.

²² Statement of Rep. Macapagal—"In the wake of definite offers by Bolivia, Thailand, and other countries to send troops to the UN to fight Korea, I urge the administration to reexamine its policy of not sending a Filipino military unit to Korea. The sending of Filipino soldiers to Korea is no more an act of provocation than the dispatch of American military forces there. Such soldiers will fight in Korea not as troops of any country but of the UN.

"We have striven to take a lead in the struggle against the menace of Communism in Southeast Asia. Our failure to heed the call of the UN of which our delegate is General Assembly president is a retreat from the path that we have heretofore trod." *Manila Times*, July 25, 1950.

²³ "It would be for the best interest of the Republic to cooperate in every possible way with the UN in the present crucial test of its effectiveness, since the Philippines in common with other small and freedom loving nations, is dependent for its security on the universal acceptance of the principles of pacific settlement of international disputes through the UN."

Statement of the Joint Commission of Army, Navy and Military Pensions. Manila Times, August 5, 1950.

²⁴ Concurrent resolution recommending that the Republic of the Philippines render every possible assistance to the United Nations in suppressing the Korean Aggression:

"Whereas, the Republic of the Philippines is a member of the United Nations, and fully subscribed to the principles of peace and collective security among freedom loving states;

"Whereas, the Security Council of the United Nations has found against the Republic of Korea, and has recommended that measures be taken to suppress the said aggression;

"Whereas, the forces of the United Nations are at present, engaged in an armed struggle to enforce the decision of the Security Council; and

"Whereas, it is to the best interest of the Republic of the Philippines as a small and freedom-loving nation dependent for its security on the universal acceptance and respect of the principle of pacific settlement of international disputes through the United Nations, to cooperate in every possible way with the said organization in the present crucial test of its effectiveness; Now, therefore, be it—

"Resolved by the Senate, the House of Representatives of the Philippines concurring, to declare, as they hereby declare, their conviction that the Republic of the

Korean conflict.²⁵ In pursuance to this resolution, President Quirino sent radiograms to President Truman and General MacArthur informing them of his decision to send a regimental combat team to Korea.²⁶ Finally to implement the President's decision and to give force to the President's action, Congress passed Republic Act 573, "The Philippine Military Aid to the United Nations Act" on September 7, 1950.²⁷

In the United States, President Truman met very little opposition to his decision to send troops to defend South Korea. It was the United States who called the Security Council to an emergency meeting immediately after the North Korea attack. Pursuant to the resolution of the Security Council of June 27, 1950, President Truman authorized the use of American land, sea, and air forces as aid to South Korea.²⁸ His action although assailed by Senator

Philippines should render every possible assistance to the forces of the United Nations fighting in relation to the Korean crisis, and to inform, as they hereby inform, the President of the Philippines their readiness to adopt adequate measures necessary to render such assistance in the shortest possible time."

Senate Concurrent Resolutions, No. 12.

²⁵ "Our stake in Korea is whether small and weak nations have a right to enjoy free and independent existence. The Korean crisis tests the principle that international differences should be resolved by peaceful means. Philippine Security and survival demand that peace should be established and maintained on the basis of international law."

Statement of Senate President Mariano Jesus Cuenco. Manila Times, August 8, 1950.

²⁶ President Quirino opened both radiograms to Truman and MacArthur by quoting Senate Concurrent Resolution No. 12. In the radiogram to President Truman, he continued—"In accordance with the aforementioned resolution which bespeaks the sentiment of the Filipino people and in fulfillment of the obligations of the Philippines under the UN Charter, I am pleased to inform you that I have today placed at the immediate disposal of General MacArthur as Commanding General of the UN Forces in Korea, one regimental combat team of the Armed Forces of the Philippines consisting of approximately 5,000 officers and men, for service under his unified command."

The radiogram of President Quirino to General MacArthur was acknowledged by the latter in a message to Malacañan on August 14, 1950, where the Commander of the UN Police Force thanked the President for putting the Philippine Expeditionary Force in Korea at his (Gen. MacArthur's) disposal. *Manila Times, August 11, 1950.*

²⁷ Republic Act No. 573—An act to provide for the organization, equipping and maintenance of a Philippine Expeditionary Force for service in the enforcement of United Nations sanctions and policies, to prescribe rates of pay and allowances for officers and enlisted men of the Armed Forces of the Philippines while engaged in such service, to establish compensation for death or disability in connection therewith, appropriating funds for the foregoing purposes, and for other purposes.

²⁸ President Truman on June 30 announced that he had authorized—

1. The U.S. Air Force to fly specific military missions into North Korea whenever necessary;
2. A naval blockade of the entire Korean coast;
3. General Douglas MacArthur to use supporting ground units in the effort to turn back the Communist invaders of South Korea.

Taft,²⁹ met with the support of both Houses of Congress. Congress immediately announced that it was backing up the Presidential policy and was ready to extend the draft and increase arms spending at home and abroad. When Communist China joined the struggle in Korea, the Senate and House of Representatives were quick to denounce this added threat to the peace of Asia.³⁰

It can readily be seen therefore that the case of sending troops to Korea both by our Government and the United States Government was not entirely without Congressional sanction and authorization. It was through the urging of Congress that the President sent the Philippine Expeditionary Force to Korea. True, Congress did not declare war, but because of the UN and the peculiar circumstances of our times, there was no need to. The UN is maintaining a police action in Korea in pursuance to its charter and the United States and the Philippines as signatories to that Charter and members of that organization, are fulfilling their duties in helping to maintain peace with the hope that peace may in the not so distant future be eternally preserved.

PONCIANO GABRIEL MATHAY

In his regular press conference President Truman said that the Republic of Korea had been set up with UN help and had been recognized as a government by members of the United Nations. He further stated that the North Koreans were a bunch of bandits and that the action of the United Nations in intervening in the Korean War was in the nature of a police action. *Manila Times*, July 1, 1950.

²⁹ Republican Senator Robert Taft said that Congress in approving the UN and Atlantic Pacts had already given too much power to the President to involve the nation in war. However, other Republicans agreed with the President. Senator Bridges said that the time had come to take a calculated risk and call Communism's bluff. Senators Knowland, Alexander Smith and Bridges commented that the President had drawn the line across which the Russians could not step in the Pacific. *Manila Times*, June 28, 29, 1950.

³⁰ On January 19, 1951, the House of Representatives of the United States passed a resolution urging that the United Nations should declare the Chinese Communists aggressors in Korea.

On January 23, 1951, the Senate passed resolutions 35 and 36 wherein it declared that the UN should declare Communist China to membership in the United Nations as the representative of the Chinese people. *United Nations' Yearbook*, 1950; *Manila Times*, January 20, 24, 1951.