

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Military Affairs, Space, and Domestic Security Committee

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BILL: SM 1080

INTRODUCER: Senator Dean

SUBJECT: Vietnam War 40th Anniversary Memorial to the United States Congress

DATE: January 26, 2012

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Willar	Carter	MS	<b>Favorable</b>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

The memorial urges the United States Congress to initiate and support a nationwide effort to commemorate the 40<sup>th</sup> anniversary of the end of the United States involvement in the Vietnam War. In particular, the veterans who served, as well as the minting of a 40<sup>th</sup> anniversary commemorative medal expressing the nation's appreciation for the honorable service of the Vietnam veterans. This bill seeks redress for Vietnam veterans because of the negative public support, and the lack of traditional customs of welcoming home troops from foreign wars. March 30, 2013, will mark the official date of the 40th anniversary of the end of the United States' involvement in the Vietnam War.

**II. Present Situation:**

**Vietnam War Background**

The United States involvement in Vietnam lasted from 1957 until 1975. In 1954, the French were defeated and the former colony of French Indochina was divided into Communist North Vietnam and (non-Communist) South Vietnam through the Geneva Accords. In 1957, the Communist North Vietnam began a rebellion against the South Vietnam government of President Diem, whom the United States supported with equipment and advisors. In 1963, the government was overthrown, Diem was killed, and a new government was formed. In August of 1964, Congress passed the Tonkin Gulf Resolution giving the President the power to take "all necessary measures" to "prevent further [Communist] aggression."<sup>1</sup>

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<sup>1</sup> United States Departments of Veteran Affairs, Summary of Vietnam War. Available at <http://www.va.gov/oa/pocketcard/vietnam.asp>. Site last visited January 18, 2012.

Between 1965 and 1969, United States troop strength rose from 60,000 to over 543,000 in country.<sup>2</sup> In May of 1968, the United States began peace negotiations, which eventually broke down. However, a change in United States policy led to the greater emphasis on training and supplying South Vietnamese troops and the United States withdrawal began in July 1968. Fighting again intensified in 1972, leading to heavy losses on both sides, but this also led to renewed peace efforts. In January 1973, the Case-Church amendment was signed declaring a cease-fire and the withdrawal of all troops and return of all prisoners within 60 days.<sup>3</sup> The last United States ground troops left Vietnam in March 1973, after which the peace talks once again broke down. Fighting resumed and South Vietnam eventually surrendered to the forces of North Vietnam in April 1975.<sup>4</sup>

As of 2010, Florida currently has a Vietnam veteran population of 511,100.<sup>5</sup> The United States military suffered 58,178 deaths, with 1,222 of those deaths coming from the state of Florida, and an estimated 2 million Vietnamese deaths.<sup>6</sup> These deaths would compel Congress to enact the War Powers Act in 1973, requiring that the President of the United States receive explicit Congressional approval before committing American forces overseas.<sup>7</sup>

### **Public Attitudes towards Vietnam Veterans**

Service members returning home from the Vietnam War were not met with the public gratitude as did veterans of previous wars, but were rather confronted with deep public resentment and negative sentiment for their perceived actions in the conflict. 1.6 million Americans served in combat, 300,000 were physically wounded, and 2,387 were listed as missing in action; more Vietnam veterans committed suicide after the war than had died in it.<sup>8</sup> Not until after the 1982 dedication of the Vietnam Veterans Memorial<sup>9</sup> in Washington, D.C., did American culture acknowledge Vietnam War veterans sacrifice and suffering, and concede that most had been good soldiers in a bad war.

### **Vietnam War Recognition**

In 2004, in recognition and regret of the unfavorable public attitudes toward returning Vietnam veterans, the United States House of Representatives and United States Senate unanimously passed resolutions proclaiming March 30 as Welcome Home Vietnam Veterans Day (WHVVD).

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<sup>2</sup> United States Departments of Veteran Affairs, Summary of Vietnam War. Available at <http://www.va.gov/oaa/pocketcard/vietnam.asp>. Site last visited January 18, 2012.

<sup>3</sup>The Encyclopedia of the Vietnam War: a Political, Social, and Military History by Spencer Tucker (Volume 1) by Spencer Tucker. Greenwood Publishing Group, 2011.

<sup>4</sup> United States Departments of Veteran Affairs, Summary of Vietnam War. Available at <http://www.va.gov/oaa/pocketcard/vietnam.asp>. Site last visited January 18, 2012.

<sup>5</sup> National Center for Veteran Analysis and Statistics. Available at [http://www.va.gov/vetdata/Veteran\\_Population.asp](http://www.va.gov/vetdata/Veteran_Population.asp). Site last visited January 20, 2012.

<sup>6</sup> The Vietnam Veterans Memorial, United States Military Casualties. Available at <http://thewall-usa.com/summary.asp>. Site last visited January 19, 2012.

<sup>7</sup> Learn About the Vietnam War, Digital History. Available at <http://www.digitalhistory.uh.edu/modules/vietnam/index.cfm>. Site last visited January 20, 2012.

<sup>8</sup> The Postwar Impact of Vietnam, Illinois University. Available at <http://www.english.illinois.edu/maps/vietnam/postwar.htm>. Site last visited January 19, 2012.

<sup>9</sup> On July 1, 1980, in the Rose Garden, President Jimmy Carter signed the legislation (P.L. 96-297) to provide a site in Constitution Gardens near the Lincoln Memorial. Additional information can be accessed from <http://thewall-usa.com/information.asp>.

Since then, 12 states<sup>10</sup> have passed legislation proclaiming either March 29 or March 30 as WHVVD.

The National Defense Authorization Act of 2008 allows the Secretary of Defense the option to conduct a program to commemorate the 50<sup>th</sup> anniversary of the Vietnam War. The act confers authority to the Secretary of Defense to coordinate, support, and facilitate other programs and activities of the Federal Government; state and local governments; and other persons and organizations in commemoration of the Vietnam War.<sup>11</sup>

### III. Effect of Proposed Changes:

The memorial urges the United States Congress to initiate and support nationwide efforts to commemorate the 40<sup>th</sup> anniversary of the end of the United States involvement in the Vietnam War. Specifically, this memorial urges Congress to:

- Rectify past injustices and the lack of appropriate recognition of Vietnam veteran servicemen;
- Pass legislation that demonstrates the nation's appreciation for the honorable service and sacrifice of Vietnam veterans; and
- Request the United States Congress to authorize the minting of a 40<sup>th</sup> anniversary commemorative medal expressing the nation's appreciation for the honorable service of Vietnam veterans.

The memorial further requires that copies of the March 30, 2013 Vietnam Memorial be distributed to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

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<sup>10</sup> States that recognize Welcome Home Vietnam Veterans Day include: California, Minnesota, North Dakota, Virginia, Pennsylvania, Arizona, Wisconsin, Connecticut, Delaware, Montana, Maine, and Oregon.

<sup>11</sup> 110<sup>th</sup> Congress, House of Representatives national Defense Authorization Act for Fiscal Year 2008. Available at <http://www.gpo.gov/fdsys/pkg/CRPT-110hrpt477/pdf/CRPT-110hrpt477.pdf>. Site last visited January 20, 2012.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.