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# In Stunned Congress, Wariness and Concern Over War Powers Act

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A stunned and wary Congress failed to rally instantly around the president yesterday, instead dividing sharply in its reaction to the aborted commando raid to rescue American hostages in Teheran.

Generally, President Carter got more support from conservative and hawkish members, usually his foreign policy critics, than he did from liberals and moderates who have tended to be supporters in the past.

Most congressional leaders indicated a cautious arms-length willingness to go along with Carter at least temporarily, but many members expressed deep skepticism and even opposition to the Iran operation.

Numerous sources on Capitol Hill predicted that stronger reactions will emerge in the days ahead, after members have had more time to digest the unexpected news.

Statements of unqualified support for Carter were rare. One of the strongest came from the Senate minority leader, Howard H. Baker Jr. (R-Tenn.), who said:

"The plan was well-conceived, well-planned and a well-guarded secret," Baker said. "I'm convinced it was a sound plan worth doing. The only quarrel I have with the president was that he should have done it a long time ago."

But Robert C. Byrd (D-W.Va.), the powerful Senate majority leader, made no statement yesterday, an uncharacteristic silence that suggested he might have qualms about the operation. An aide to Byrd said it would be wrong to put "undue significance" on his silence.

Sen. Frank Church (D-Idaho), chairman of the Foreign Relations Committee, was one of a number of members to suggest that conducting the operation without prior notification to Congress violated the 1973 War Powers Resolution. Church promised hearings on this issue. Other members of both houses said a rescue operation designed to save American hostages was not covered by the prior notification requirements of the War Powers Resolution.

House Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass.) caught the tone of the most common strain of Congressional reaction in a statement he released yesterday:

"I deeply regret that the operation directed at securing the release of the American hostages in Teheran was unsuccessful. I extend my deepest sympathy to the families of the brave men who gave their lives in this operation. And I know all Americans share the disappointment of the families of the hostages that their loved ones are still illegally detained. . . . This is a time for all Americans to support the president in his efforts to secure the release of the hostages."

Many other members of both houses issued simi-

lar statements emphasizing their sympathy for the eight dead Americans and the hostages, and offering vague support for Carter.

Republican leaders in the House were less supportive of the president than Baker or O'Neill. The minority leader, Rep. John J. Rhodes (R-Ariz.), said this:

"I was not briefed about this operation in advance, so I do not know what has suddenly happened that could lead us to believe we could succeed with this type of rescue effort after having been told all along that it was not possible.

"However, apart from the operation itself, I am deeply concerned about its timing, coming as it did virtually in the midst of a very strenuous effort by the president to gain support from our allies for economic sanctions against Iran.

"I am also deeply concerned about the apparent absence of any consultation with Congress. The Congress itself will have to decide whether the operation constituted a violation of the War Powers Act."

Rep. Bud Shuster (R-Pa.), chairman of the Republican Policy Committee, formally called on Carter to appear in accordance with one provision of the war powers resolution, before a closed joint session of Congress to explain what happened in Iran.

Among local lawmakers, Sens. John W. Warner (R-Va.) and Charles McC. Mathias (R-Md.) both expressed some concern about the raid. Warner said the fact that the U.S. troops shot at an Iranian truck during the aborted mission raised the possibility of a violation of the War Powers Resolution. Mathias said, "The problems the country has today [Friday] are considerably greater than they were yesterday."

The raid came as a total surprise to members of Congress — none of whom was consulted in advance, to the anger of many — and the surprise produced a crazy-quilt of reactions. Some of the most conservative members supported the president's move (Reps. Jack Kemp of New York and Philip Crane of Illinois, for example), while other conservatives lambasted Carter (Sens. S. I. Hayakawa of California and Roger Jepsen of Iowa, among others). Similar differences divided both liberals and moderates.

Sen. Alan Cranston (D-Calif.), the Senate majority whip, gave Carter strong support, and said the raid did not violate the war powers resolution. Sen. Edmund S. Muskie (D-Maine) agreed that Carter "certainly had the authority to act." Muskie said "I will not second-guess his decision."

Sen. Bob Dole (R-Kan.) said he respected "the president's honest and understandable desire to bring the crisis to a successful close. He has manfully accepted responsibility for the mission's failure, and he has access to information not yet available to the rest of us."

Sen. Henry M. Jackson (D-Wash.) was less sympathetic. Jackson appeared angry that he could not get answers to many questions about the raid in a briefing for the Senate Armed Services Committee conducted by Graham Claytor, deputy secretary of defense. Jackson said he sought but failed to receive information that the administration had "reasonable assurance" that the entire mission could have succeeded. He called the outcome "nothing short of a disaster."

Jackson was one of several senators who said, publicly or privately, that Carter could have prevented what may prove to be a serious problem by confiding in a few senators before the raid began. "This is going to get worse before it gets better," one senate source predicted, arguing that the issue of prior consultation was of more political than le-

gal significance.

On the legal issue, Attorney General Benjamin R. Civiletti advised the president in advance of the raid that he could conduct the operation without prior notification to Congress, a Justice Department spokesman announced.

Church and others dispute that interpretation, but Church acknowledged yesterday that the resolution is vague at key points. The Vietnam-inspired act was passed in 1973 over a veto by President Nixon, but it was a hastily drafted, compromise bill whose key provisions were deliberately imprecise.

On the question of prior notification, for example, the resolution said, "The president in every possible instance shall consult with Congress before introducing United States armed forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances . . . . The administration can argue that it was not possible to give notification in this case for fear of a leak, and that a "rescue operation" was not meant to be covered by the resolution.

Staff officials on the Foreign Relations Committee noted yesterday that in a somewhat comparable case, the Mayaguez rescue operation in 1975, President Ford formally indicated a belief that he was required to notify Congress in advance of that operation.

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