

# War in a Democracy: How Con

Reviewed by  
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The author, a retired associate editor of *The Washington Post*, is the author of "The Way We Go to War."

Congress has been its own worst enemy in frittering away its war power. The blame for presidential wars is usually laid at the door of the White House, and most of our Presidents during the last half century have indulged in usurpations of one type or another. But they could not have done so without a flagrant give away attitude on Capitol Hill. This amazing record of abdication is unmatched in all our constitutional history.

The story is concisely and effectively told in this volume by Sen. Eagleton. He draws a sharp contrast be-

tween recent practice and the division of powers that the Founding Fathers wrote into the Constitution. The right of Congress to decide the issue of war and peace was well established in the administrations of John Adams and Thomas Jefferson and was generally respected up until World War II, except for the adventures of Presidents Polk, Theodore Roosevelt and several others in Latin America. Since President Franklin D. Roosevelt entered the war in the Atlantic in 1941 in defiance of congressional legislation, executive war-making has become the general pattern.

Congressional vacillation probably reached its apogee in 1957 when President Eisenhower went to Capitol Hill and asked for authority to use military force, if necessary, to protect the Middle East from Communist ag-

## Book World

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gression. It was an appeal for joint action in the face of an emergency, following the general pattern Adams and Jefferson had used. But Congress knocked out the word "authorize" and passed a resolution saying "If the President determines the necessity thereof, the United States is prepared to use armed forces to assist any nation or group of nations requesting assistance against armed aggression from any country controlled by international communism." Eagleton's comment: "If offered the spectacle of a President coming to Capitol Hill for

authority and Congress replying: 'Why ask us? Do it yourself. You have all the power you need.'"

It is not surprising that President Kennedy did not bother to consult Congress when he launched the Bay of Pigs invasion. Nor is it surprising that, when President Johnson decided to go to war on a large scale after the Tonkin Gulf incident, he asked no authorization but only congressional approval and support of his actions as Commander-in-Chief.

Congress responded with a blank check, which simply meant that it had voluntarily relinquished the power

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to make war to the President.

As the hostilities in Vietnam grew into a costly, bloody and divisive nightmare, an increasing number of legislators were appalled by what they had done. For several years Congress floundered in clumsy maneuvers to regain the power it had so recklessly given away. Resolutions to end the war proliferated; numerous efforts were made to withhold funds from the military operations in Vietnam; and the Tonkin Gulf Resolution was finally repealed. At last Congress got around to passing an absolute cut-off of funds aimed at the continuing war in Cambodia in 1973, thanks largely to Eagleton, but the President vetoed it. When a similar cut-off amendment was attached to the debt-ceiling bill, a compromise permitted the bombing of Cambodia to continue for an additional 45 days. Eagleton and his anti-war colleagues were horrified. The senator castigates his colleagues in these words: "After all, it took nine years after the Gulf of Tonkin Resolution for Congress finally to stop the most unpopular war in our history. And that only after the troops had been withdrawn!"

The uncompromising attitude of the senator from Missouri continued when Congress attempted to enact a bill to prevent future presidential wars. For a time he did join forces with Sens. Javits and Stennis in sponsoring a war-powers act to which all three had contributed. That admirable meas-

ure outlined the situations in which the President might respond to emergencies without congressional authorization, required him to report such action immediately and to pull back the troops he had used if Congress did not approve his action within 30 days. The Senate approved it by a vote of 72 to 18.

In conference the Javits-Stennis-Eagleton bill came into collision with the weaker Zablocki war powers resolution, which had been passed by the House, and a compromise was worked out. Many of the advocates of war-power legislation were disappointed in the outcome. Javits, Stennis and most of the Senate accepted the weaker restraints on the President as a means of curtailing his exercise of unlimited power. Eagleton fought the compromise as a futile and dangerous piece of legislation, which amounted to "an undated, 90-day declaration of war."

Despite this formidable opposition, the War Powers Resolution was passed by both houses of Congress and

later repassed over President Nixon's veto. No doubt public disgust over the emerging Watergate scandal contributed to the vote to override, but revulsion against presidential war-making was also a powerful factor. Congress seemed to be under mandate to recapture at least some of the power it had given away.

Eagleton's continued crusade against the halfway measure does him no credit. He distorts its weakness by arguing that it hands over the war power to the President and that it is "the culmination of an era of congressional surrender." Actually, the resolution grants the President no power he did not have. It is the Constitution that permits him to respond to sudden attacks upon the United States or its forces without waiting for Congress to act. Whether that power can be satisfactorily channeled by legislation remains for future decision. But Congress has required the President to report any use of force abroad, to explain his authority for any use of au-

thority for belligerent action taken, and to stop his war within 60 days (plus a 30-day extension) if it has not been approved by Congress. Indeed, Congress could withdraw forces sent to war by the President at any time by concurrent resolution.

Aside from the specific requirements of the resolution, it is a bid for joint executive-legislative action in any future emergence in which the use of our military might may appear necessary. That is what the founding fathers envisaged. It is the only safe course for a democracy, as Senator Eagleton makes clear. No doubt there is some satisfaction in being a perfectionist, but the senator has been in public life long enough to know that few brain children survive in their original form and that progress is usually measured by inches rather than miles. The mild restraints that Congress has laid on presidential war-making must be viewed against the utter void that led us into Vietnam.