

Mayaguez Challenged Ford 'Image'

By Jack Anderson and Les Whitten

Several weeks before the Cambodians seized the U.S. merchant ship Mayaguez, President Ford began to look for a dramatic way to demonstrate that the United States wasn't going to take more kicking around.

Confidential White House minutes show that he chafed over the U.S. setbacks in Southeast Asia. These events had made him look like a weak, indecisive leader. "I know what the mail is saying," he grumped at an April 22 strategy session.

But he was more concerned about "what other countries are saying" about his leadership. "I have to show some strength," he said, "to help us... with our credibility abroad."

The Cambodians gave him the opportunity May 12 when they boarded the Mayaguez. Mr. Ford went ahead with the daring rescue, without asking the permission of Congress.

He was aware not only that the rescue attempt might fail, but that he could be challenged by Congress. For the War Powers Act, which an angry Congress passed in 1973, declared:

"The President in every possible instance shall consult with

Congress before introducing U.S. armed forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated."

But not until he had ordered the Marines to proceed with the rescue did Mr. Ford call congressional leaders to the White House May 14.

But he encountered little opposition. House Speaker Carl Albert (D-Okla.) merely asked how they should "answer charges in the House of violation of the War Powers Act."

The President said he hadn't violated the act. "I conceive that each step I've taken has been within my powers," he said. "I believe that regardless of the July, 1973, legislation, I have the authority I am using as commander-in-chief."

He had fulfilled his obligation, he said, by "advising" them of the military move after it was under way. "We reached our decision at 5:50 p.m.," he said.

Senate Majority Leader Mike Mansfield (Mont.) also expressed "apprehension," particularly over striking the Cambodian mainland.

But Sen. Clifford P. Case (R-N.J.), who helped draft the War Powers Act, defended the President. "As the author of the act,"

he said, "I disagree with Mike. I don't think the act applies to piracy. It was intended to cover aggressive action."

Sen. Democratic Whip Robert C. Byrd (W.Va.) asked why the leaders weren't consulted "at least at the time the decision was being made." He, too, was concerned over bombing the Cambodian mainland.

"Perhaps the leaders could have made their input, perhaps to urge caution in striking those targets," suggested Byrd.

"(This is) a proper question, and I'll answer it," said Mr. Ford. "As commander-in-chief, I have the responsibility to protect U.S. citizens consistent with the War Powers Act." He ordered the bombing of the mainland, he said, to protect the rescue operation.

"I'm in no position to say your position is wrong or outside your authority," Byrd said, "but why were not some leaders on both sides brought in before your decision?"

"Bob," replied the President, "there has been continuous contact with the leaders. But we have a government of separation of powers. We have lived within the law as it relates to our obligation to a coordinate branch of the government."

Then, as an afterthought, he added: "We did have a time problem to coordinate our planning."

In the first test of the War Powers Act, the President re-established his authority to order military forces into action with no more than advance notification to Congress.

Footnote: Intelligence reports suggest that the Mayaguez incident may have been part of a Cambodian strategy to assert sovereignty over the oil bed that may lie off the Wei Islands.

The new Communist government in Phnom Penh moved quickly to occupy the islands, which also are claimed by the new Saigon regime.

U.S. satellite photos at the height of the crisis showed only rock and foliage on the island of Tang, where the Marines landed. Therefore, they had not expected the heavy resistance they encountered.

Apparently, the Cambodians moved in troops to claim the islands and gunboats to challenge ships that ventured too close. Their purpose, the intelligence reports indicate, may have been to claim the potential oil under the ocean.

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