

# A Chorus Of Yahoos

By Anthony Lewis

In April, 1970, Senator Frank Church of Idaho gave a speech with the resonant title, "Of Presidents and Caesars: The Decline of Constitutional Government in America." Quoting Gibbon's "Decline and Fall," he drew a deadly parallel to ancient Rome in the way Congress had acquiesced in the growth of Presidential power.

One reason for the trend, Senator Church said, was "the climate of crisis" since World War II. On each emergency occasion "the President assumed, and Congress usually agreed, that the Executive alone was capable of acting with the requisite speed...."

That was 1970. Just now, when the military action ordered by President Ford in the Mayagüez affair was over, Senator Church had this to say: "From beginning to end, he had my full support."

Why does a Senator who in 1970 worried about the President ordering "our military forces in action in foreign lands whenever and wherever he likes" shout yahoo in 1975 when a President does just that, without consultation, without even disclosing the relevant facts? And why, especially, a Senator as thoughtful as Frank Church?

The particular puzzle about Senator Church is that he cosponsored the 1973 legislation prohibiting all U.S. military action in Indochina. As re-enacted in the current appropriation law, it says that no funds may be used for "combat activities by U.S. military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia."

It is hard to imagine words that could more explicitly bar what President Ford did in Cambodia. There may be legal or constitutional arguments to get around that sweeping language; White House lawyers developed some. But surely the law at least required discussion. In fact, no committee of Congress even asked about it. One newspaper supporting the President, The Wall Street Journal, had the integrity to call attention to the 1973 act and say it should be repealed.

Senator Church was by no means the only liberal who cheered the military action over the Mayagüez with-

out discussing the law or the facts. These were some of his colleagues' comments:

Senator Clifford Case: "I don't want anyone saying that we liberals or doves would prevent the President from protecting American lives in a piracy attack."

Senator Charles Percy: The episode was a good example of how Congress and the Executive "can work together in bipartisan unison."

Senator Claiborne Pell: "When it succeeds, it shows he was correct."

Senator Henry Jackson, before the Mayagüez and her crew were released: "This is a time for cool heads, not a time to exercise the use of force." Afterward: "I give him high marks for the way he handled it."

Those approving words might have been said in praise of Lyndon Johnson after the Tonkin Gulf episode in 1964. What is so striking about them—apart from their general premise that the end justifies the means—is their lack of interest in the facts. For even now there are many unanswered questions.

Item. Was the military action necessary? Before the attack began, the Cambodians broadcast that they were releasing the ship. Then, according to Mayagüez crew members, the Cambodians wanted to send some of them back to the ship to radio a message asking for an end to the bombing and indicating that the crew would be released.

Item. Was enough time allowed for diplomacy first? President Ford says he waited sixty hours—but it was only 35 when American planes began bombing. Senator Edward Brooke queried the brief time allowed for a response from Cambodia, where, he said, "things don't move this quickly."

Item. Was the military action well-calculated to save American lives? After much evasion, U.S. officials now say that 41 men were killed or missing in connection with the action. There were 39 in the Mayagüez crew.

In 1964 just two Senators emerged with increased stature from the Tonkin Gulf episode. Ernest Gruening and Wayne Morse alone voted against the resolution that, it turned out, gave Lyndon Johnson carte blanche for war.

This time there were a few skeptics in Congress. The outstanding voice of reason and proportion was that of Senator Gaylord Nelson of Wisconsin. "The strength and maturity of a superpower," he said, "are better measured by its restraint in minor incidents than by a demonstration of the power the world already knows we have." Those are words to consider at the time we commemorate the most terrible American war, the most costly failure of our politics, the Civil War.