

COMMENT

In Praise of Congress

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By Clark Clifford

WASHINGTON—I never cease to marvel at the wisdom and prescience of the unique group of men who met in Philadelphia in 1787 to write the Constitution. The system of checks and balanced created at that time has once again proved how invaluable it is.

Although this article is not directed toward the Mayagüez affair, the dangerous and precipitate resort to force by the Administration in that incident dramatizes the conclusion reached in this article.

The decision of the Congress, in August, 1973, to limit the President's discretion to take further military steps in Vietnam has produced the most vital results. In substance, the Congress decreed that the United States could no longer send troops to Vietnam, bomb the area or shell it from offshore. It appears that were it not for this action by the Congress, the war in Vietnam would still be in progress, in all likelihood we would be bombing targets there, and perhaps our troops would have been committed.

We are all familiar with the attitude of the Administration in supporting the Government of President Nguyen Van Thieu to the bitter end. As the South Vietnamese military force was collapsing, and when the fall of Saigon appeared inescapable, the President still called upon Congress to appropriate \$720-million in added military aid.

But the most revealing of all are two statements made by President Ford as the military situation worsened for the South Vietnamese Army.

In his news conference of April 3, 1975, President Ford commented strongly on the fact that the North Vietnamese had repeatedly violated the Paris peace accords. He then stated that he was frustrated by the action of Congress in not responding to his requests for additional assistance to South Vietnam.

Then came the following words, "And I am frustrated by the limitations that were placed on the Chief Executive over the last two years."

What were those limitations?

The answer is simple. They were the limitations placed by the Congress in August, 1973, "over the last two

years," which prevented the President from bombing from the air, shelling from the sea and from sending American troops back to Vietnam.

On April 21, he returned to the subject, and went even further. On this occasion, he was interviewed by CBS News correspondents.

He told about the commitments the United States had made to the Thieu Government. Then he said, "Now, unfortunately, the Congress in August of 1973 removed the latter—took away from the President the power to move in a military way to enforce the agreements that were signed in Paris."

Could it be any clearer? President Ford was telling the American people that, had it not been for the action of Congress, he would have moved "in a military way" to assist the Thieu Government.

In the same interview, President Ford specifically referred to a secret "commitment" that President Nixon had made to enforce the January, 1973, agreement. He said that he had "personally read" this commitment but that he did not intend to release it.

However, an ex-Saigon official has now released it, and we find the language of the commitment is that the United States "will respond with full force should the settlement be violated by North Vietnam."

Mr. Ford obviously meant what he said. He was telling us that it was "unfortunate" that he had been deprived of the power to move in a military way "to respond with full force." The expression "full force" has a clear military meaning. It means that we would attack by land, sea and air. This is what Mr. Ford did in the Mayagüez incident when he felt he was not restrained by Congress.

If President Ford had been free to adopt the policies he desired, the Thieu Government might have been kept in power a while longer, but the South Vietnamese people would have suffered more grievously than ever. These long-suffering people would do well to include the Congress in their evening prayers. I know I shall.

Clark Clifford served for four years as White House counsel in the Truman Administration and as Secretary of Defense in the Johnson Administration.