

Congress Rallies Behind President

U.N. Aid Sought

By Marilyn Berger
Washington Post Staff Writer

Five hours before U.S. Marines moved in to rescue the Mayaguez and its crew, the United States asked the secretary general of the United Nations for assistance in obtaining their release.

It was a last diplomatic effort in an incident in which diplomacy became a futile exercise partly because of the uncertain situation in Cambodia, where the Khmer Rouge was still in the process of establishing governmental control.

U.S. Ambassador John Scali delivered the letter to Secretary General Kurt Waldheim an hour after the first military steps had already been taken when American planes sank three Cambodian patrol boats.

Scali, officials said, set no deadline for the release of the ship and the crew but Marines were already positioning themselves to move. At 7 p.m., the United Nations issued a statement saying "the Secretary General is making all possible efforts to achieve a solution to the problem of the U.S. merchant vessel Mayaguez by peaceful means. For this purpose, the Secretary General has communicated with the governments of Cambodia and the United States and has offered his good offices to the parties. He has also appealed to them to refrain from further acts of force in order to facilitate the process of peaceful settlement."

In its letter, the United States asked for U.N. assistance but at the same time served notice that it would "take such measures as may be necessary to protect the lives of American citizens and property" in accordance with the inherent right of self-defense condoned by the U.N. Charter.

Establishing a public record of its position, the United States called the Secretary General's attention to the "threat to international peace which has been posed by the illegal and unprovoked seizure by Cambodian authorities of the . . . vessel . . . in international waters." It said the ship was unarmed.

See DIPLOMACY, A16, Col. 5

Denies Consultation

By Spencer Rich
Washington Post Staff Writer

Congress rallied behind President Ford yesterday on the sinking of the Cambodian gunboats, but leaders denied they had been consulted in advance and some members said the White House should have pressed diplomatic initiatives a bit longer before resorting to force.

Members of the House International Relations Committee, after a briefing by administration officials, gave general support, with Rep. Wayne Hays (D-Ohio) asserting he was "only sorry they didn't sink 17 rather than three" of the Cambodian vessels.

Opinion wasn't unanimous, however. Sens. Edward M. Kennedy (D-Mass.) and George McGovern (D-S.D.) both said they feared force had been used too soon, before diplomacy was exhausted, and a number of House Democrats like Michael Harrington (Mass.), Bella Abzug (D-N.Y.), Helen S. Meyner (N.J.) and Stephen Solarz (N.Y.) were highly critical.

Most members expressing views agreed with the assessment of Sen. Howard H. Baker Jr. (R-Tenn.) that the President's use of force as part of an effort to compel Cambodia to release the U.S. merchant ship Mayaguez was "entirely appropriate."

The Senate Foreign Relations Committee, after a three-hour briefing by administration officials, unanimously adopted a resolution condemning Cambodia's seizure of the ship, supporting Mr. Ford's efforts to obtain its release through diplomatic channels, and also supporting the President in "the exercise of his constitutional powers within the framework of the War Powers resolution to secure the release of the ship and its men."

Under the War Powers Act, the President has authority to use force to rescue U.S. nationals illegally seized on the seas; but his use of that force triggers the right of Congress, under the War Powers Act, to review the action and require to cease if it so chooses.

See INFORM, A16, Col. 1

Americans Ask U.N. to Help Obtain Ship's Release

DIPLOMACY, From A1

Waldheim, according to a spokesman, was "giving the matter urgent attention with a view to finding a way of solving the problem by peaceful means." U.N. officials said he contacted the Chinese mission to the United Nations and was sending an "open letter" to Phnom Penh similar to one he had sent when the French expressed concern over the fate of persons who had sought refuge in their embassy in Cambodia.

There was no evidence, officials said, that the cable had been instrumental in any way in getting the release of those persons.

Diplomats in the United Nations and in Washington conceded that there were few diplomatic avenues open to the United States. Waldheim, said one official at the United Nations, could offer his "good offices" but this presented a problem "because we don't know who we're dealing with on the other side."

The appeal to the secretary general followed several earlier direct American attempts to get Chinese as-

sistance in contacting Cambodian authorities. On Monday, the day the Mayaguez was seized, Acting Secretary of State Robert Ingersoll called in Ambassador Huang Chen, the head of the Chinese liaison office in Washington. Informed sources said this was followed up by contact with appropriate Chinese officials in Peking on "several" occasions.

One U.S. diplomat said, "We had to prove to the world we resorted to every conceivable (diplomatic) approach."

In Moscow, the Soviet news agency Tass swiftly reported the U.S. attacks on Cambodian naval vessels but made no comment, United Press International reported.

A brief Washington dispatch said a Pentagon spokesman "explained the American Air Force strike by maintaining that the Cambodians were attempting to move to the mainland some of the crew from the American ship they detained on Monday."

The agency Tuesday quoted some western reports as saying the U.S. merchant ship Mayaguez may

have been engaged in spying activities.

Tass also reported 1,100

U.S. marines had been sent to Thailand in connection with the incident.

Congress Rallies Behind Ford on Use

INFORM, From A1

Sen. Hubert H. Humphrey (D-Minn.) said the resolution adopted yesterday by the Committee endorsed the use of force "if necessary" but the committee had made quite clear to administration officials that "we want consultation"—not merely to be

informed—before any further military action is taken.

Although White House press secretary Ron Nessen claimed at a briefing yesterday that there had been "consultation" with leaders of Congress, and that this had produced "a strong consensus of support and no objections," several congressional

leaders angrily denied there had been consultation in any meaningful sense.

Senate Majority Leader Mike Mansfield (D-Mont.) issued a statement asserting that "I was not briefed either yesterday afternoon or this morning. Nor was I consulted before the fact; I was notified after the fact about what the administration had already decided to do. I did not give my approval or disapproval because the decision had already been made in both cases. My reaction at this point is that there are a lot of questions to which I want answers."

Sen. Hugh Scott (R-Pa.), the Republican leader, said the word "consulted" was "Mr. Nessen's, not mine." He said he had merely been advised of the President's intentions.

The dispute over whether Congress was consulted or merely informed is not a small one in the eyes of Congress members. Congress in recent years has demanded that before the President undertakes any military ventures, he works with Congress to make a joint decision.

It was out of this demand, prompted by the unilateral actions of Presidents on various occasions starting with Korea, that there grew the War Powers Act, which bars the President from using U.S. troops for more than 60 days without specific approval from both chambers.

Members particularly resent being told of a White House plan of action and then having it represented as something in which they concurred.

Tuesday night according to congressional and White

House sources, the President reached a decision to use military force in the Cambodia ship incident. Congressional liaison men for both the House and Senate were then instructed to inform the top congressional leaders.

The calls to leaders began shortly after 5 p.m. on Tuesday. *B M V*

The first one reached, apparently, was House GOP Leader John J. Rhodes (R-Ariz.). Rhodes and all the other leaders weren't told specifically what was planned, sources said. They were informed that the White House wanted to prevent any Cambodian ships from going from the island where the Mayaguez was being held to the mainland, and any ships from the mainland from going to the island. They were further told that the President had ordered the use of a minimum level of force, but were not told specifically what that force would be.

"Our military has been directed to use the minimum force required to achieve the objectives," was the precise phrase used in conversations with Senate leaders.

White House Senate liaison men Bill Kendall and Pat O'Donnell called Mansfield at 5:55 p.m., and within the next 2½ hours had also informed Sens. Clifford P. Case (R-N.J.), Scott, Robert C. Byrd (D-W.Va.), Milton R. Young (R-N.D.), Armed Services Chairman John Stennis (D-Miss.), Robert P. Griffin (R-Mich.), Strom Thurmond (R-S.C.), Foreign Relations Chairman John Sparkman (D-Ala.), Appropriations Chairman John McClellan (D-Ark.)

of Force

and James Eastland (D-Miss.).

Stennis, Eastland, Byrd and Thurmond all indicated their assent at that time, according to White House sources, but most of the others simply listened to the information without specifically endorsing the plan of action.