

Mayaguez Questions

IN THE NATION

By Tom Wicker

It is too early to reach final judgments about President Ford's use of military force in quickly recovering the Mayaguez and her crew from their Cambodian captors. On the evidence of what is so far known, however, the following may be reasonably if tentatively suggested:

¶ Whatever other imperatives may have been working upon Mr. Ford, Secretaries Kissinger and Schlesinger and their associates, one surely was a desire to use the Mayaguez incident to demonstrate to new and old Asian governments that the United States still had the power and the will to protect what it regards as its interests in the Pacific and elsewhere.

¶ The operation raises anew some serious questions about the efficacy of the War Powers Act.

¶ Despite doubts being expressed about the need for the quick use of military force, Secretary Schlesinger was no doubt right in remarking rather smugly: "I do not believe there will be many inclined to persistently argue with what has been a laudable and successful operation." The reaction of Congress tends already to support that observation.

Surely there will be a few, however, to "persistently argue" the numerous doubts and ambiguities about a course of action, however successful, that may not have been necessary. For example:

It seems reasonable that the Ford Administration would want to avoid a long period of haggling—particularly with a government that it does not recognize and regards as hostile—over the details of where and when and how the Mayaguez crewmen would be returned to American custody. But since the Cambodian announcement—generalized as it was—of willingness to free the crewmen appears to have been made well before the Marines were sent in, would it not have been more judicious to have explored for some hours or even a day just what the Cambodians intended?

As in every case when hostages are being held, it had to be weighed whether an effort to recapture them

of three Cambodian patrol boats (it could not be known for sure that none of the Americans were aboard).

Some of the attacking Marines were killed and others were wounded. This sad fact, plus the undeniable risks taken with the lives of the captured crewmen, demands inquiry into the real necessity for using the Marines so quickly.

Virtually every President has felt the necessity to show himself willing to use force if necessary. In the wake of the collapse of South Vietnam and the fall of the Lon Nol regime in Cambodia, with the United States unable to prevent either development, it is clear that Mr. Ford felt himself under unusual pressures of this kind—not least because of concerns repeatedly expressed by Mr. Kissinger and Mr. Schlesinger. Nor can their views be dismissed out of hand; obviously they did have to weigh whether their response would invite other, more dangerous challenges than that presented in the Mayaguez incident.

If inquiry discloses, nevertheless, that firm diplomatic representations might quickly have recovered both crew and ship without armed confrontation or loss of life, the burden will lie heavily on the Administration to justify making a show of force merely for the sake of that show. A show of restraint, it might well be argued, would have demonstrated more true strength than a panicky resort to the Marines.

As for the War Powers Act, the incident shows how little use is its command that the President consult with Congress "in every possible instance" before using force. The problem lies in defining "consultations"; obviously, Mr. Ford—reserving as much latitude to himself as possible—only informed Congress of what he had already decided to do. That is likely to be the course any President follows in similar situations.

The Mayaguez incident, in its very ambiguity, also suggests a central difficulty with the War Powers Act, or any such legislation. A President must be left some room to decide and act since Congressional debate can hardly handle Mayaguez incidents; but if a President has such discretion, it may be abused, either deliberately or through mistaken judgment on his part.

would not, in fact, endanger their lives more than captivity itself. In the Mayaguez matter, as Mr. Schlesinger observed, the men were captured safely. But after the battle began, they might as easily have been killed, deliberately by their captors, accidentally in the exchange of firing, or in the sinking

Besides, as Mr. Schlesinger's comment predicts and as Congressional reaction shows, it's always going to be hard to rebuke a President who puts on his Commander in Chief's hat, pulls off a "successful" military operation, and claims to have upheld the American flag against foreign devils.