

For the Record

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Watergate and Vietnam

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From remarks by Sen. Jacob K. Javits (R-N.Y.) in the Senate, July 18.

There is no longer any serious argument as to the existence of a constitutional crisis over the exercise of the nation's war powers. The pertinent question is: What will the Congress—and the President—do about this crisis? The deep wounds of the Vietnam experience inescapably remind us that the defacto concentration of plenipotentiary war powers in the hands of the President has subverted the letter and the spirit of the Constitution and has placed an almost intolerable strain on our national life. The War Powers Act . . . seeks to redress this aberration from the original intent and spirit of the Constitution.

For out of the crisis of World War II and the ensuing cold war, lawyers for the President had spun a spurious doctrine of "inherent" commander-in-chief powers—broad enough to cover virtually every "national security" contingency that could be thought of. And recently, this spurious doctrine has been found to have developed even a lethal mutation—the "national security" covers for criminal acts which as used in the Watergate scandal became a political instrument. The now almost unlimited power of the presidency with respect to matters of "national security" is a unilateral power not only to defend our nation wisely but also a unilateral power to involve us in the quagmire of a Vietnam or even a thermonuclear holocaust . . . Our experience of the last five years or more has demonstrated how much harder it is to get out of an undeclared war than it is to get into one . . .