

### THE COMMANDER IN CHIEF

In the welter of discussion about this whole Vietnam matter it's possible we've forgotten the entire complete role of the President under the Constitution.

You see, the First Article of the Constitution creates the Legislative Branch, the Congress, and then of course delegates certain powers to them. The Second Article in the Constitution creates the Executive Branch and delegates certain powers and also denies certain powers. But in Section two of Article two of the Constitution, it provides that the President shall be the Commander in Chief of the Army and Navy and of the state militia when it is called into Federal service.

Perhaps I ought to repeat that, the President shall be Commander in Chief. It doesn't say he may, he might, it says he shall be and also of the militia when they are activated and brought into Federal service. See that's a constitutional power. That power cannot be limited unless you amend the Constitution and take it out. Other than that it cannot be limited by law so there may arise the question as to what the duties of the Commander in Chief, how far shall it go because that's a very short clause and scarcely admits of any mininterpretation of any kind.

Now the role of Congress, when we're in difficulties of this kind, is first that it has the exclusive power to make war. Making war, declaring war, seems to have gone out of style, but that document still says that the Congress shall declare war. So that's an exclusive power. It also provides that Congress shall provide an Army and a Navy and then it provides that the Congress shall make appropriations and only the Congress can get any money out of the Federal Treasury after it enacts a law for that purpose. So there in brief and generally speaking is the power of Congress when

your national security is in jeopardy or when you're having trouble and you're sending troops abroad. So it could well be said that the Constitution gives the Congress the power of the purse and to the President it gives the sword. That's an interesting and brief distinction, but it does hold good. But the President is still Commander in Chief of the Army and Navy and of the militia when we bring them into Federal service.

Now out in Vietnam you get problems like this. Shall we bomb Hanoi or not bomb Hanoi, or shall we plant mines in all those water courses and water fingers that stretch out from Haiphong Harbor and it is really a tremendous layout there and there are so many approaches before you get up to Haiphong. Well you know you have mine layers and when a vessel comes in touch with one of these submerged mines, it explodes and the chances are that they'll rip such a hole in the vessel that in the absence of any immediate rescue it'll probably sink. So that's a tremendous responsibility but somebody has to make the decision.

Now then there is the question of escalation of the war. That's a term that has gotten to be so common everywhere. Do we escalate or do we not? Well you've heard that applied to these moving stairways going up and down on the escalator so it means really to step up or to intensify and then when you talk about de-escalation that means going down, that means stepping down, that means easing the war effort so if the war is to be escalated and it is to be given more intensive and more active operation or if it is to be reduced, that again is ultimately a decision that the President as the Commander in Chief of the Armed Forces must make.

Then of course there's the question of withdrawal. There are some people who think we should withdraw from Vietnam. Well, who shall make the decision? Who shall finally tell our Joint Chiefs of Staff and our field generals that we'll get out, we'll bring the troops and whatever weapons we have left back home? That's a decision.

that finally must be made by the Commander in Chief. Then comes the question to what extent shall the Congress participate in that decision or any of those decisions that are in the lap of the Commander in Chief. That's been discussed a great many times and it's being discussed now out in open and in secret session. There will be a report on it, and there are going to be a good many speeches before the bill before the Senate authorizing nearly five billion dollars for the additional war effort and mainly for the purpose of procuring planes and vehicles and whatever else we may need in order to properly operate out there 12,000 miles from home is approved. You'll get all sorts of diversified views.

I'm sure you're quite familiar with the views of Senator Morse of Oregon because he's been on the networks and he's been quoted very freely in the newspapers. That would equally be true of Senator McGovern of South Dakota who one time was a war pilot and frankly I never discount a man's war service and particularly that kind of service. Then you have the view of Senator Church of Idaho and probably of Senator Young of Ohio and generally and quite contrary to the views they express are those of Senator Russell of Georgia and most of the members of the Senate Armed Services Committee who have had to come to grips with this, take all the testimony, and then report the authorizing legislation that is before us. Now this is not the first time in our history we have been confronted with a problem of this kind.

You see when Lincoln was President there were so many who were quite dissatisfied with his conduct of the war, some who said the Battle of Bull Run never should have been fought, this should not have been done, that should not have been done, this General should not have been relieved, that General should not have been placed in command. Well of course Lincoln had his problems with Generals, with General Burnside with General Hooker and a great many others until General Meade came along who was the Commander when the Battle of Gettysburg was fought. The one General of course who

satisfied Lincoln was General Grant as you know Grant was a great soldier, he was a natural soldier and we can be proud of the fact that he came from Galena, Illinois. For a long time I guess after he got out of West Point he hadn't quite found himself but at long last he did and then the genius of Grant manifested itself. So he was satisfied with Grant and when that group of ministers came to see Lincoln to protest the fact Grant seemed to indulge in too much whiskey, you know what Lincoln said to them, that if he could find out what brand he drank, he would buy some for his other Generals, and maybe that satisfied the reverends who called and maybe it didn't. But Grant had a great perspective of war everywhere, he knew just what to do and how to stick when the going was rough and we salute him even today for his greatness all through the Civil War.

But Lincoln was confronted with demands in Congress to have some kind of a supervisory committee and they had such a committee. In ~~a~~ way I guess all of the Congress was trying to run the Civil War but there was a specific Committee On The Conduct Of The War and among them of course was Benjamin Wade of Ohio. He had such an acid tongue and what a difficult person he really was but somehow Lincoln managed to get along with them and he got along without them and then followed his own nose so to speak because there was a great instinct about Lincoln as to what to do and when to do it. Still another member of that Committee was Thaddeus Stevens. Stevens was a great lawyer, he came up the hard way, worked hard, but became very popular as a lawyer and I presume a man something of a fortune. But there again you had one with a bitter and denunciatory tongue but later <sup>he</sup> got along with Stevens and then you had Lyman Trumbull, Senator from Illinois. Trumbull in a way sort of eased Lincoln out of the Senate because at that time when Trumbull was running and the Senators were picked by the legislatures, Lincoln had so hoped that ~~XX~~ he could be an active candidate and be selected. At that time and before Mrs Trumbull and Mrs Lincoln were firm

friends but Trumbull got the Senatorship and Mrs. Lincoln and Mrs. Trumbull never spoke to each other after that time and then you had Zack Chandler of Michigan. He had come up the hard way too and made money. He became Governor of Michigan, then he became a Senator and he was at one time under very active consideration for the Presidency of the United States.

So there were the leaders of the Committee On The Conduct Of The War and they undertook to advise Lincoln but always and always he was willing to receive their counsel but he was going to act on his own advice and on his own counsel rather than theirs.

Now all this is rather interesting because it comes about the eve of the birth anniversary of George Washington our first President. Washington had no end of trouble with the early Congress getting supplies, getting pay for the soldiers, getting any kind of cooperation and support and that had much to do with the fact that when the Constitutional Convention met in Philadelphia in 1787 that they wrote in the Constitution the President shall be the Commander in Chief and when the chips are down, the decisions are still in his hands.