

EXCURSUS I

The Mayaguez Incident

The euphoria that swept Washington at the Mayaguez incident has subsided. Already it becomes difficult to remember that government officials had to be cautioned not to gloat publicly over the incident. After all, Cambodia is small and weak and the United States is still very powerful. Not, one would think, likely contestants to be locked in a titanic struggle with a stadium of fascinated international spectators. Nevertheless....

Nevertheless, this relatively minor incident raises relatively large issues. It goes to the heart of many questions concerning morality and foreign policy that were debated in the last issue of *Worldview*. Was the military action of the U.S. to recover the Mayaguez and its crew legally and morally justifiable? Was it desirable? Are the consequences that flow from that action good or bad? Since all of these questions are still being debated, one can assume that there is no set of arguments that will topple the opposition from its confident stance. Neither Senator James Buckley (who almost immediately called for warships and air strikes against Cambodia) nor Anthony Lewis of the *New York Times* (who said the American action was folly) is likely to persuade the other. It is useful, nevertheless, to reflect in tranquillity on decisions made under pressure.

On the basis of information so far received the seizure of the Mayaguez by the Cambodians was a violation of international law. The International Court of Justice prohibits states from interfering with free and innocent passage of foreign vessels through their territorial waters. Comparisons with fishing vessels and discussions of territorial rights to the sea are legally irrelevant here. This violation by Cambodia merited immediate concern and a possibly strong response by the United States.

When the executive branch of the U.S. did decide on a military response, it assumed powers that are constitutionally allocated to Congress. This is the judgment of Raoul Berger, the distinguished legal authority of Harvard Law School, and of Senator Thomas Eagleton. To act as he did, the President is required by the War Powers Resolution of 1973 to consult with Congress *before* the decision is made. He chose not to consult, but to act in defiance of that resolution, and Congress cravenly capitulated to his decision. Such disregard of Congress is all the more shameful, since it was unnecessary. The widespread applause of the President's action makes it clear that he would readily have gotten approval from the Congress and support from the American people. It is dif-

ficult to justify his action by saying that he did not have time to consult. If we waited a sufficiently decent interval for a response from a country thousands of miles away, surely the interval was sufficiently decent to consult with Congressional leaders in the same city.

Apart from these legal issues, was the U.S. response desirable, or should this country have waited to see how the crew of the Mayaguez was treated? Should the U.S. have acted unilaterally, or should it have attempted to work through international agencies? To pose these questions is to underline some clear benefits of quick but reflective action. Our information about the Cambodian regime is meager, but it does include the knowledge that this regime cruelly emptied the cities, forcing the very young, the aged, and the sick to march to the countryside. It is capable of planned brutality. And still sharp in our national memory is the picture of U.S. citizens long held captive in North Korea. Of course we could have waited, and maybe the Mayaguez crew would have been returned unharmed, and we could have been grateful that no blood was shed in the process—slightly demeaned, but grateful. But if, instead, they had been spirited into the countryside, what then? Prolonged negotiations with this tiny country? Or a military incursion far in excess of what was done? Not a risk that a great country—and certainly now a great and deeply wounded country—could easily take. And there is no evidence that, at the time the U.S. decision was made, Cambodia had attempted to communicate with Washington in reply to our signals of distress. Established diplomatic procedures had apparently broken down.

The military operation that was subsequently conducted does not lend itself to high commendation. Our intelligence was faulty, the command and control operations were sloppy, and the combination resulted in the death of American military men. The air strikes against land targets, including an unused oil refinery, were punitive and futile. Our unauthorized use of bases in Thailand strained relations between the two countries. Nevertheless, the ship and crew were recovered, and the operation was declared a success and was so accepted by most of the country.

The exultation in Washington indicated the value that government officials placed on the incident. For of course we cannot isolate the incident from the last fifteen years in which the United States waged an inglorious war and suffered an inglorious defeat. The Mayaguez incident allowed the United States to show friend and foe alike that it had not been rendered impotent; it still had strength, which no one doubted, but more important, it had the will to use it, which many had learned to doubt. The "collateral benefits"—to indulge in the favored jargon—far outweighed the

minor incident in which the question of how many men endangered, wounded, and killed was reduced to a shell game.

In spite of all the criticisms and reservations one can bring against the action of the U.S. in the Mayaguez affair, there are solid grounds on which to justify it. In spite of the unwanted consequences flowing from that action, there are solid grounds for arguing that they are outweighed by the benefits. But what a sorry pass we have come to when such an intervention becomes cause for heady celebration and self-congratulation, what a conception we have of leadership when the Mayaguez affair produces instant encomiums for those who made the decisions. All this is, of course, part of our Vietnam legacy. It will be many years, apparently, before we will, as a nation, have the perspective to deal with minor incidents as if they were minor and save our major responses for major crises.

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EXCURSUS II

Liberty, Ignorance, and Postal Rates

The First Amendment guarantees that "Congress shall make no law abridging the freedom of speech, or of the press." That freedom of information is, itself, in the words of Alexis de Tocqueville, "the chief and the constitutive element of liberty." General Rufus Putnam, a Revolutionary War hero, said: "Nothing can be more fatal to a republican government than Ignorance among its Citizens, as they will be made the easy dupes of Designing men."

Liberty can only be served by the widest possible dissemination of diverse—even conflicting—ideas. America's great number of newspapers, book publishers, broadcast stations, magazines, all play distinctive roles in furthering that goal. We've just come through a period in which the very actions that threatened our independent press proved its value.

But there is another, equally grave challenge to the First Amendment; one that isn't often brought to the public's attention. The danger comes from runaway inflation in operating costs. Such economic erosion—particularly for publishers—could rapidly curtail the number of information sources in our country. One of the most serious, potentially damaging, and restricting cost pressures we face today is the unconscionable rise in second-class (magazine) and fourth-class (book) postal rates. This is directly attributable to the

purely economic goal of a U.S. Postal Service run as a so-called break-even business.

The new break-even U.S. Postal Service, which would theoretically be more efficient than the old Post Office Department, was voted into being in 1970. Since then the Postal Rate Commission has approved an explosion of rates. Magazine rates are scheduled to swell by 251 per cent, more than three times the rate of increase of first-class mail; nearly eight times the inflation in consumer prices. Book rates will rise by 116 per cent.

At Time Inc., 85 per cent of our magazines, virtually all of our popular book series, and many other products are distributed by mail. With the new rates that have been scheduled our postal bill for delivering magazines alone will triple from \$7 million in 1970 to \$24 million. Meanwhile, postal costs, as a portion of our manufacturing and distribution costs, will nearly double from 10 to 19 per cent. Now, I won't pretend that a company like Time will be knocked over by such cost escalations. But rising postal rates do create upward pressures on product prices, and downward pressures on product quality. Something has to give somewhere. It's no secret that one of the factors that killed *Life* and *Look* was the prospect of higher postal charges.

While our readers will have to pay higher prices or accept less quality, customers of other publishers will face even worse consequences. For those publishers will have to curtail distribution sharply and, in some cases, will simply cease to exist. Fewer citizens will be able to purchase fewer magazines and books. Freedom of choice of available publications—and points of view—will decline. A few elite magazines will be read by a few elite readers. Despite this discouraging prospect, the U.S. Postal Service and the Postal Rate Commission continue to press for even higher magazine and book rates.

Happily, there is a very simple cure for this disease: a return to the original spirit of the postal system. To the Founding Fathers' notion that the postal system was a means to encourage the free flow of information in our new nation. To the conviction that it was a necessary service of government and *not* a business. George Washington stated in 1782 that a postal service was needed to "bind these people to us with a chain that can never be broken."

Ten years later, as Spencer Grinn noted, Washington, commenting on the Postal Act of 1792, was afraid it would inhibit news distribution. Should that concern prove true, Washington said, it would "lead to the application of a remedy." Our first President was right. Two years later, following the death of the *Columbian* and the *Museum*, two popular journals, the Congress first gave special postal status to magazines.