

MORE (A Journalism Review) OCTOBER 1973 (4)

The Scandal That Got Away

BY TAYLOR BRANCH

It is a safe bet that the secret bombing of Cambodia will fail as a scandal. No one will go to jail. No one will lose his job. No one will cry out about the unanswered questions like what did he know and when did he know it. No general will be summarily drummed out of the Air Force for falsifying records, as was Lavelle. No civilian honcho in the Nixon Administration will sneak out of office on some pretext of an honest excuse. No senators will become so famous for protecting the people that the papers will feel obliged to run big features on their eating habits and how they spend a day at home with the folks. And no reporter will make his reputation for dogged pursuit of the facts, or vindicate the honor of the media by showing that the courageous truth can make a president blink.

**By any yardstick,
the secret bombing
of Cambodia in 1969
is at least as grave
an issue as
Watergate. But once
the facts were
revealed, few in the
press found them
nearly as intriguing
as Howard Hunt's
red wig.**

All this is true, even though Plato or Walter Lippmann could make a pretty good classroom case that the secret bombing is more ominous and deserving of our attention than Watergate. After all, the Watergate break-in was an intelligence operation that occupied perhaps one per cent of Jeb Magruder's time. It is reasonable, even for those who lust after Nixon's scalp, to suspect that the bugging plot did not receive the high level attention that a truly evil, momentous scheme deserves—that no one would have raised the roof if Gordon Liddy had slinked back with his motley strike force to report that it was too risky. In Cambodia, on the other hand, the President himself ordered the chairman of his Joint Chiefs half a dozen times to make sure that no one learned of 3,630 secret B-52 raids that would drop 100,000 tons of bombs on an officially neutral country. Right there in the National Security Council meeting, Nixon scared all the highest officials in his government so bad that they rigged up a system to keep the bombing secret from almost everyone, including the Air Force Vice Chief of Staff.

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General Earl Wheeler, chairman of the JCS, swore to the Senate Armed Services Committee that he would have flatly lied to cover-up the bombing if the Secretary of the Air Force had asked him about it casually on the golf course.

The constitutional issues rise quickly out of the Watergate burglary, but in Cambodia you start with them. For openers, you have the President conspiring with the military to keep a new war hidden from the Congress, mocking the separation of powers to the extent that Congress was given classified documents showing that the Cambodian bombings took place in South Vietnam. For those who take civil-military relations seriously, you have a whole military phalanx—generals, colonels, pilots, debriefers, radarmen, computer programmers—under strict orders to ignore regular military channels and respond only to secret orders from one immediate superior. Each man has to trust that the secret orders are legitimate, because he is forbidden to question them with anyone, lest he jeopardize the hidden network. The military apparatus for the bombing, in short, had all the ingredients of *Seven Days in May*, with the President in and the Congress definitely out.

Unlike the Watergate team, the operatives for the secret bombing did not bungle away their potential for harm. Thousands of irregular orders were obeyed like clockwork—as people falsified their records and burned their secret orders when they were supposed to, so that the B-52s could do their work without making any noise back home. When the American war in Cambodia ended in August amidst headlines telling of accidental bombings and civilian massacres, one could only guess whether similar accidents took place in 1969. No one could have known, because the Administration didn't talk and the press didn't snoop very hard.

Why was the bombing not discovered when it was going on, and why did the story die so quickly this year? Both B-52 strikes and elaborate lies are hard to conceal, so it is embarrassing for us in the press that the news did not explode in 1969. And the charges are so grave that it is more than puzzling why the full exposure of the facts did not even draw blood.

The first mention of the secret bombing occurred in *The New York Times* of May 9, 1969, where William Beecher cited "knowledgeable sources" as saying that American planes had "raided several Vietcong and North Vietnamese supply dumps and base camps in Cambodia for the first time." The story did not say how many raids were being carried out in Cambodia, or how regularly, or whether the raids meant an entire new bombing campaign. Instead, this rather offhand disclosure left the impression that there were some spot bombings going on and that we would hear more about it if something bigger were afoot.

Some reporters believe that Beecher, known as a Pentagon ally, actually intended to help the Administration with the story by signaling a new

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"get tough" Nixon war policy that might make Hanoi negotiate. If so, Beecher was an overzealous flack because his mention of the Cambodia bombing served notice on the Administration that the "special security" measures had failed and that Nixon's most closely held secret had already splattered onto newsprint. This story is now cited by Kissinger as one of the main reasons for the famous 17 wiretaps, one of which was placed on William Beecher's phone.

Apparently, government officials liked what they heard Beecher say, for he was hired to cross the gray line and become Deputy Assistant Secretary of Defense for Public Affairs. In other words, he went over to the other side, where his job is now to help Jerry Friedheim fend off press inquiries. Whether his sympathies explain things or not, he did not follow up his scoop with information on the scope or significance of the bombing.

Newsweek broke the only other story during the 14-month campaign in a June 2, 1969, *Periscope* item entitled "The Secret Bombing of Cambodia." In four sentences, *Newsweek* capsulized the salient facts—the super secrecy, the falsified battle reports, and the presidential responsibility for the orders. But even this tantalizing revelation failed to stir up a press inquiry. The next printed reference to the story came in the August 20, 1973, *Newsweek*, where the little paragraph from '69 was reprinted to prove that *Newsweek* had been on top of the matter for four years. The fact that a cover story had remained submerged in the *Periscope* did not seem to mar the spirit of self-congratulation.

Other than these two isolated tidbits, the secret bombing story went nowhere in the press. Seymour Hersh of the *Times*, who was far and away the most thorough reporter on the story when it finally came out this year, says he can't imagine why reporters in Vietnam did not pry out the details by pumping the B-52 crews, searching for embassy leaks, flying over Cambodia, and the like. His best guess is that reporters did not believe that so unconstitutional a policy was possible: "I just don't think anybody could conceive of the United States systematically bombing a neutral country with which we are not at war."

Most reporters who worked on the story in 1969 advance just the opposite interpretation: bombings in Cambodia were so likely that they weren't even news. It was assumed that we were bombing all over Indochina, just as it was assumed that the body counts were inflated and that the light was not at the end of the tunnel. Lloyd Norman, the veteran *Newsweek* Pentagon correspondent who dug up the '69 *Periscope* item, explains that the Cambodia story seemed like a very small part of the war in 1969: "It was just brushed off as another one of the facts of life. We're bombing the border areas. What's new? There was no great public uproar."

With this perspective on the raids, which were thought to be minor and sporadic rather than massive and sustained, reporters were content to investigate simply by asking the Pentagon what was going on. "We knew that the bombing was going on," says Norman, "and we kept asking...We repeatedly asked the Pentagon in those days about

the reports of bombing in Cambodia. And as recently as last May, I called and asked, 'when the hell are you guys going to give us the statistics on bombing in Cambodia and Laos?' " Norman finally got his statistics in July, just before the big story broke, and the numbers were falsified to show no bombing at all in Cambodia during the secret campaign. "The guy who sent me the stuff didn't know himself that there were all those omissions," Norman sighs.

William Thomas, editor of *The Los Angeles Times*, agrees with Lloyd Norman's view that the Cambodia story was not judged to be worth much investigative time in the climate of 1969: "I think several reporters probably made one good hard stab at it," he says. "They came up against a blank wall, and then had to go back and cover the rest of the war."

So much for 1969. Things were different this year, as parts of the press came out blazing in their best Watergate spirit. Sy Hersh hit with a big scoop in the *Sunday Times* of July 15, revealing that former Air Force major Hal M. Knight would tell the Senate Armed Services Committee how he had helped doctor reports to hide the Cambodia bombing in early 1970. Knight's confession had some of the cloak-and-dagger excitement that had given dramatic flair to the Watergate story. He told Hersh that he had worked at a radar installation in Vietnam, helping to guide U.S. planes to their targets. Every day, said Knight, an airplane would land at his base bringing secret orders for raids in Cambodia, which his subordinates would run through the computer to obtain coordinates and a flight plan for the secret mission. Knight's outfit would then divert the B-52s from their "cover mission" in South Vietnam and send them over Cambodia. Knight would report the cover missions as having taken place, and he would burn the secret orders and the computer material for the secret runs. Finally, he would call a phone number in Saigon and tell an anonymous listener that "the ball game is over." It was a role that Howard Hunt could have played comfortably.

Hersh wrote six front-page stories in the first seven days of the scandal—outraged senators, admissions that the raids took place, the magnitude of the campaign (three thousand sorties as compared with General Lavelle's twenty-five), denials from Administration officials that they had anything to do with a phony reporting system. The networks jumped on the story. ABC ignored the Knight testimony on July 16, but picked it up the next day, when the Pentagon admitted that the raids had taken place.

Soon, however, the media pattern became clear. Hersh would write every day on page one—overshadowed by Watergate, since the story broke in the same week that Alexander Butterfield revealed the existence of the Nixon tapes. He would dig a story out somewhere, calling people like Kissinger, Laird, and Wheeler for comment. The networks would run a story only when there was something to be photographed—either at the Senate hearings or at a Kissinger press conference. Sometimes ABC would have nothing, while the

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other two networks ran the same story. On July 19, for example, NBC and CBS picked up that morning's Hersh story on Melvin Laird's denial that he knew of the false reporting system or who was responsible for the raids. ABC was silent. Similarly, on Monday the 23rd, ABC neglected the story run by Hersh and the other networks—Senator Symington's charge that the money to pay for the secret raids was obtained illegally.

Some newspapers, such as *The Boston Globe* and *The Washington Post* fell right in behind Hersh, but others virtually ignored the story. *The Chicago Tribune* ran two front-page articles the first week and then imposed a three-week blackout before an August 8 story on page 7 picked up the Senate testimony of George Moses, who described his participation in secret bombings more than 75 miles inside Cambodia, after the 1970 invasion. (The Pentagon confirmed this story on Sept. 10.) The *Trib* then went back to sleep until August 11, when the Pentagon released a Nov. 20, 1969, memo from Earl Wheeler to Melvin Laird asking clearance to continue the secret B-52 raids, with simultaneous sorties in South Vietnam to confuse the press. "Strikes on these latter targets," observed Wheeler, referring to the cover missions, "will provide a resemblance to normal operations thereby providing a credible story for replies to press inquiries." This memo, classified TOP SECRET-SENSITIVE-NOFORN-EYES ONLY-ABSOLUTELY FOR EYES OF ADDRESSEE ONLY, was not written for the general public, and it appeared to put Laird and Wheeler in a bind regarding their denials of involvement with the false reporting system. Not so, said Laird. He had ordered the concealment of the truth from the Congress and the press, but not the outright commission of a lie. If asked about the bombing, those few who knew were supposed to obfuscate, profess not to understand, divert attention, and otherwise search for the slimmest excuse to give a slippery answer—but they were not supposed to lie. They were to deceive without being dishonest, to be sneaky without being crude, to grasp at any polite evasion short of a dishonorable falsehood—all of which General Wheeler said he would have tried on the golf course, although the straight-shooting general said he would have lied if necessary.

The Laird story made page one all over the country, but the *Tribune* ran it on page 14, with emphasis on Laird's defense: "Laird said the bombing was kept secret to protect the lives of American troops and because the Cambodian government would have condemned the raids and demanded a halt to them if they had been made public." The whole thing had a Watergate air about it, with big officials grimly walking a tightrope of legalisms that separated a lie from a "legitimate covert activity."

Nevertheless, the *Trib* dropped the story the next day without bothering to editorialize. That is not so surprising, but it is puzzling that *The New York Times* fell to silence also. These papers, each of which often roars about stories that the other plays down, agreed that the Cambodia bombing story was dead.

Sy Hersh had mustered enough skill, passion, and Puritan discipline to keep Cambodia on the front page of the *Times* almost every day from July 15 to July 31, when he reported General Wheeler's Senate testimony that it was President Nixon himself who ordered the secret bombing and the special precautions against disclosure. Having treed the head raccoon, the press hounds had no more ground to cover or questions to ask. It was as if Nixon had personally gone down to the jail to bail out Liddy and his spooks, taking full responsibility for his hit men. The only remaining question was what anybody was going to do about it, and no one was making news on that issue. Hersh went off to report on the CIA's psychological profile of Ellsberg, and returned to the story a week later when the Senate served up more testimony—veterans speaking of hospital bombings, Moses on the deep raids, and Deputy Defense Secretary William P. Clements (who released the Wheeler-Laird memo). After four stories, culminating in the Laird revelations, Hersh left the Cambodia story for good. Thus, the reporter who had put more energy and more copy into his first couple of dispatches than *The Chicago Tribune* devoted to an entire month of the scandal joined the *Tribune* on the sidelines, resigned but not indifferent to the demise of the issue. The networks and most other newspapers negotiated a middle course to the drop-off after the Laird story. They leaned heavily on the Senate hearings for drama and photogenic news, didn't bother to go filling in the journalistic cracks, and faded away when the hearings ended for the Congressional recess.

I have surveyed the coverage in *The New York Times*, *Newsweek*, *The Chicago Tribune* and *The Los Angeles Times* in an effort to determine why this scandal bit the dust without a resignation or a lost stripe or even a reasonable amount of political chastisement. My best guess is that the story of the secret bombing fell prey to four great flaws of journalism: No Build-up, No News Peg, No Sex, and No Hope. There is a normal amount of media sloth and dullness behind these categories, but it seems, on balance, that the coverage was dampened by iron laws more than by the human factor.

NO BUILD-UP

"If there are some disclosures yet to be made, then the story might take off. But if there aren't, it will just die. The whole story came out very quickly."

—William Thomas, Editor, *LA Times*

Experience shows that there are three ways for a President to get rid of a brewing scandal. The first and most popular is to ride it out, saying as little as possible, until the jackals in the press and the political opposition get tired and move on to other things. The second is to confess to all the facts and say you're sorry. The third is to confess to all the facts and say you would do it again.

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By most accounts, President Nixon got into trouble on Watergate by sticking to number one when he should have worked in some number two. By the time of the Cambodia disclosures, however, he had gone to school. So when the story appeared to die out after the Laird revelations on August 10, the President was not fooled. He knew the scandal had created more shock waves in the first month than Watergate had, and that there were still some unanswered questions on the familiar theme of his own personal view of the matter. The press might be playing possum, so the President decided to strike with a strong dose of number three. He took everyone by surprise and brought up the scandal himself—journeying to New Orleans, where he roused the woolhats of the Veterans of Foreign Wars with the proud announcement that he had personally ordered the secret bombing to save American lives in the war that he had ended but not started. He would do it again, he said. And furthermore, it was approved by the American people, such as the father who wrote in to tell the President that he had blamed his son's death on the President's failure to attack the Cambodian sanctuaries, but he no longer blames the President after learning of the clandestine bombing.

Nixon's emotional speech got big play at *The Chicago Tribune*, where the editors had been helping their readers forget the scandal. They were obliged to render their first editorial on the subject, which revealed their tortured position. As much as the *Trib* likes Nixon's war policies, said the editorial painfully, the President's speech avoided the focal issue of secrecy—secret war, secret bombings, secret reports, secret military cadres. The question is not why the bombing, but why the deception. After forcing out this censure, the editors went on to give thanks for the tumultuous reception Nixon received in New Orleans. Although the *Trib* editors seemed sorry that they had to reproach their man in print, they could rejoice privately that he was on politically solid ground.

At *The New York Times*, the editors found themselves in precisely the opposite situation, as they suffered from a classic Pyrrhic victory. They could flagellate the President all they wanted on the nonsense and evasions of the speech, but they were in a hopeless political position. Nixon had erected his battlements around the wisdom of his victorious war policy, and no newsman in his right mind would engage in a printed argument about the Indochina War. No one wanted to hear about it, and it didn't matter that the President had slanted the debate. The scandal was beyond disentanglement. So the editors at the *Times* came forth on August 24 with a long, passionate editorial denouncing the Nixon speech. They made roughly the same points as the *Tribune* editors, but they wrote with the thoroughness and finality of people who did not expect to return to the subject.

Nixon thus forestalled the possibility of a press build-up on the secret bombing. Before the media could make up its mind about the scandal, much less roll out the big artillery, Nixon forced a

showdown and won. It takes a long time for a scandal to organize the press. In the *Times* of July 30, which broke the Cambodia scandal in less than a page, there were no less than eight full pages on the Watergate tape controversy—complete with constitutional analyses, a technical guide to the bugging, and so on—plus more than two full pages on the Senate testimony of witnesses like Kalmbach, and one full page previewing the testimony of Ehrlichman and Haldeman. It takes time and commitment for an institution to produce such coverage, and the Cambodia story was stopped up before it had even fermented in the brains of the columnists.

NO NEWS PEG

"I don't know that there's any news in it now . . . Who's going to sue President Nixon for bombing some peasants in Cambodia?"

←Clifton Daniel,

Washington bureau chief, *New York Times*

To offset the Nixon offensive, the press needed an enormous amount of novel, exciting material to get the matter away from the Nixonian trap of a debate on war policy. But no one came forward to make the news. Senator Hughes of Iowa, who had carried the ball, announced that he was retiring from the Senate to give his life to the Lord, and this ruined him as a news source. No scandal can get anywhere on stories with the obligatory opening: "Senator Harold Hughes (D-Ia.), who recently announced that he would retire from the Senate to do spiritual work, charged today . . ." Hughes was out, and nobody else cared enough to risk a political neck with the war already over and Watergate brewing away. "I haven't heard any major politician in this town say anything about Cambodia lately," says Clifton Daniel. "Nobody's making news."

Of course, the news can sometimes get nudged along, but that requires great motivation on the part of the reporters. And most of them felt in tune with the presumed public attitude on Cambodia: so what? "I haven't seen a single piece of paper come across my desk saying let's do something about Cambodia," Daniel explains. "The problem is that there's a 'thank God the war's over' feeling," says Max McCrohon, managing editor of the *Tribune*, in agreement. Even some reporters who like abstract Constitutional stories believe that the Cambodia scandal is old hat. The big issues—official lying, secret war, secret bombing—ate the issues of the Pentagon Papers, and no one tried to do anything about them. The secret bombing is not newsworthy, because it contains no fresh Constitutional outrages.

The one possible exception here is the issue of the security cliques inside the military. This preoccupied the Senate Armed Services Committee, which had just completed an investigation of the Lavelle case, in which General Lavelle bombed North Vietnam on his own by ordering his subordinates to falsify the bombing reports. He told the pilots that it was all approved by higher

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ups, and that the plan was so secret they could not discuss or check it out with anybody. Cambodia was bombed by the same method, except that the President *did* approve the secrecy and the raids—a fact which no one down the line could be sure of.

The Senate was concerned with Congressional control of the military, as well as with adequate control *within* the military, but this question did not catch on in the press. It is far too complicated, say the reporters. So the public did not read accounts of the explosive fail-safe controversies at the hearings, such as the following exchange between General Wheeler and Georgia's Sen. Sam Nunn:

NUNN: So Major Knight is sitting down here without any knowledge of what is going on, knowingly bombing Cambodia and reporting it as South Vietnam. And yet if you, as Chairman of the Joint Chiefs of Staff, had asked him what he was doing he would not have been able to properly respond and give you accurate information?

WHEELER: That is the way he should have responded. Whether he would or not, I can't say.

NUNN: How can you run an Army with an operation like that?

WHEELER: His next immediate superior is the man for him to break to.

NUNN: General, if there is one break in that link, the whole chain comes falling apart.

WHEELER: It wouldn't fall apart long, in my opinion.

NUNN: It has. In the case of Lavelle, it fell apart for quite awhile.

WHEELER: As I said, that too was corrected in due course.

NUNN: General, in an age of nuclear war, due course is not enough.

The hearings are dotted with these military questions, too abstruse for general consumption. In fact, the military nature of the Cambodia scandal hurts press coverage in several ways. The Pentagon is much less teeming with leaks and sources than CREEP and the FBI were for Watergate. The Armed Services committees have a firm jurisdictional grip on military investigations, and they are known for the gentlemanly, informal approach to disputes with the Pentagon. (Senator Nunn may ask tough questions, but he almost always votes with the uniform and avoids the soapbox.) Also, it is difficult to raise much blood pressure beating the drums against secrecy, because, as *Newsweek's* Lloyd Norman observes, "the American public generally accepts secrecy in military affairs." Finally, the story is weakened because potential wrongdoing is in the hands of the military command and the courts-martial, instead of the Justice Department. Nothing has stimulated reporters like the handcuffs and trial scenes of Watergate, but

there will be no such drama in the Cambodia scandal because the military will not prosecute. The Pentagon can be a hostile environment for human interest and hard news.

NO SEX

"It just isn't sexy enough for the American public to get worked up over."

—Lloyd Norman, Pentagon Correspondent, *Newsweek*

The basic building block of Watergate has always been the original arrest—a stickem-up affair with bugs, burglar's tools, rubber gloves, mysterious cash, and walkie-talkies. So the starting point of the scandal was the D.C. pokey, and The Question that rises above the Constitutional issues has always been whether the President was directly associated with that undignified handcuffing, burned into the consciousness of every tabloid-reading citizen. The fundamental mistake of the white-collar criminals in the Nixon Administration was to get involved in a caper with the explosive, blue-collar connotations of *burglary*. Few voters are unable to comprehend a crime like that, and most have no trouble relating to it negatively.

From this sound journalistic foundation, the Watergate story pushed into a bonanza of scintillating items—laundered money, red wigs, dirty tricks, political espionage, Perry Mason riddles, the trial, the dramatic letter, the stern judge, the great shrink heist, NIXON BUGS SELF, Senator Sam, on and on. Against this panorama of human drama, the Cambodia scandal pits gray military automatons at work in the distant reaches of the world. Many people check their memory to make sure they haven't heard that story four or five years ago, because over the last seven or eight years they have become accustomed to that kind of activity as the soft metronome of reality. In this case it's no longer reality anyway, so why work up the discipline for sustained anger?

There's no question that the secret bombing lacks sex appeal, one of the primary raw materials of the press. What tidbits there are have been either overlooked by reporters or passed over for reasons of taste—General Wheeler testifying that the secret bombing, code name MENU, took place in areas of Cambodia designated as BREAKFAST, LUNCH, DINNER, SNACK, and DESSERT. Major Knight's cloak-and-dagger work was second-rate material compared to Watergate.

This issue of the entertainment quotient in journalism is a delicate one for editors. Certainly, they don't think the news and opinion side of the media should merely pander to the crass entertainment needs of the public. If they did, how would we account for all the impenetrable oatmeal on the editorial pages? No, the newspaper or network must stand for something and fulfill serious obligations, and most readers approach a journal like *The New York Times* at least partly with a sense of duty. A story like Cambodia obviously has to go on the duty side of journalism, which is unfortunately not the right channel for a

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*Aerospace Daily***F100 COMPLETES ALTITUDE RUN; ASPIN CRITICIZES RELEASE OF FUNDS**

The Pratt & Whitney F100 engine for the F-15 fighter successfully completed the 68 3/4 hour high altitude portion of its current 150-hour endurance test early yesterday, the Air Force announced. The remaining 81 1/4 hours of sea level testing will begin "soon," the service said, probably in a day or two.

Meanwhile, Rep. Les Aspin (D-Wis.) criticized yesterday the decision by Deputy Defense Secretary William P. Clements to release an additional \$10 million in engine funds to P&W even though the F100 has not completed the endurance run after several attempts.

With assurances that only two areas of the flight envelope not related to engine efficiency remain to be explored, Clements last week released a total of \$31 million in F-15 funds and granted a 30-day extension of the Sept. 30 deadline for endurance test completion (DAILY, Oct. 1).

"It is simply wrong," Aspin said, "to release millions of dollars to contractors who are not able to pass" the required tests. "The concept of fly before you buy is obviously being thrown out the window," he added.

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U.S. SECURITY AT MODERN LOW—HALLOWAY

In relative terms, the United States has "never had less security from external take-over than we do now," Gen. Bruce K. Holloway (USAF-Ret.), former SAC commander, told the Aero Club last week.

Over the past several years, the U.S. has sharply reduced its strategic bomber force and held its level of ICBM's and SLBM's constant, he said.

"The Russian story is precisely the opposite. The build-up of their military forces, both offensive and defensive, has been relentless and without constraint." They have done this in part by withholding domestic programs from their people, and in part "by magnanimous economic help from the United States. It has been enhanced by a very generous agreement on our part in SALT-I."

As of right now, he said, "it is hard to understand how anyone could claim that the United States has an edge over the USSR in overall strategic military power."

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mushrooming scandal. There are no clear answers in the balance between duty and the market, but well-established media should always guard against patronizing their readers by withholding weighty stories on grounds that Nixon used to make the bombing secret in the first place.

he only remote hope for pumping some life into the Cambodia story resides, ironically, in one of the least reported aspects—the possibility that one of the participants will be prosecuted for falsifying military reports. This admittedly occurred, and it is proscribed by Article 107 of the United States Code of Military Justice. At present, however, prosecution has been ruled out and the falsification justified as simply following orders. As Air Force Chief of Staff George S. Brown told the Armed Services Committee: "For falsification to constitute an offense under Article 107, there must be proof of 'intent to deceive.' This is a legally proscribed element of the offense under the article and is negated when the report is submitted with orders from a higher authority in possession of the true facts." This means that you can lie to Congress and unauthorized superiors if ordered to by an authorized superior.

NO HOPE

"The fact of the matter is that we can't do anything about it."

—Clifton Daniel

Daniel is right: no prosecution means no scandal, which means no reform. The story has been overshadowed by Watergate, sealed off by the military, deflated by public boredom, and bowled over by Nixon. But the secret bombing is still undercovered relative to its importance, and the press has been undersensitive to the military implications of the Lavelle case and the secret raids. While the actual bombings should inflame those who opposed the war, the methods used raise essentially conservative issues—images of haywire plots and secret garrisons, defiance of the Constitutional powers of Congress in a scheme so elaborate that even the classified secrets are lies.

The press can always resolve to do better, but it can't necessarily make any difference. Watergate showed that the media can surmount complexity, but Cambodia showed that it is helpless in the face of boredom—that the media can foster justice only so long as the story is prurient. This causes problems as nastiness learns to look dignified and impersonal. For years a drab-machine was not even noticed as it poured out its atrocities on Cambodia—where Americans had neither friends, relatives, nor private property to care about. ■