

# U.S. Urged to Ready New Atom Weapons

## *SALT Hedge*

12/11/73  
By Michael Getler

Washington Post Staff Writer

Defense Secretary James R. Schlesinger said yesterday that the United States must be prepared to develop — though not necessarily produce at this time — a range of new nuclear weapons as a hedge against a breakdown in the second round of Strategic Arms Limitation Talks.

Those talks, according to U.S. officials, have made little if any progress since the initial agreements in May, 1972.

Schlesinger said he still hoped for success in the negotiations — especially on a Soviet willingness to reduce the number of missiles in their arsenal. But in the meantime, he said, the United States should be prepared to move ahead with research and development work on such future "options" as a larger land-based ICBM, new mobile missiles, putting more multiple warheads on existing missiles, and adding new armaments (presumably longer-range missiles) to the bomber force.

The Defense chief, in a wide-ranging press conference at the Pentagon, reiter-

See PENTAGON, A6, Col. 8

## *Legal Loophole*

By Murrey Marder

Washington Post Staff Writer

The Nixon administration acknowledged yesterday that it is studying a legal loophole that technically might permit sending American bombers back into the Indochina war, but it pledged to take no such action without "consulting" Congress.

This new controversy centers on whether the war powers law, passed on Nov. 7, over the President's veto, paradoxically might supersede legislative bans on any further U.S. combat activity in Indochina. The war powers law was enacted to try to prevent "another Vietnam," but it permits the President to commit U.S. forces abroad up to 60 days without congressional authorization.

Before the new flare-up partially subsided yesterday, there were expressions of disbelief on Capitol Hill that the Nixon administration, in its present weakened condition, would seriously consider risking a frontal clash with Congress. Secretary of State Henry A. Kissinger and Defense Secretary James R. Schlesinger indicated that no such clash was ever intended.

"I think it's a game," said

See POWERS, A4, Col. 4

# Loophole in Bombing Ban Studied

POWERS, From A1

Sen. Frank Church (D-Idaho), co-author of four successive legislative bans on any further U.S. combat in Indochina without explicit congressional authority.

"These prohibitions are too clear for any sophistry or sleight of hand," said Church. "If they were violated," he said, "it would represent a presumptive case for impeachment" of the President.

"The point is not to circumvent legislation," said State Department spokesman George S. Vest "it is to establish a relationship" between the war powers law and legislation sponsored by Church and Sen. Clifford P. Case (R-N.J.).

"Under no circumstances," said Vest, "can you draw conclusions as to the intent of the government."

Defense Secretary Schlesinger said the question of whether the legislative ban on further combat in Indochina "has been superseded" is "being looked into at the Department of State by those who are specialists in interpreting legislation."

"I would not dignify it by the term of study," Schlesinger said wryly at a news conference, because "I think that the intent of Congress . . . on this issue has been quite clear."

Schlesinger said he still stands on his previous assurance that the President would seek congressional approval before reintroducing U.S. power into Indochina.

"If Hanoi were to misjudge the situation and if they were to launch an all-out assault of the sort that occurred in May of 1972," said Schlesinger, "I believe that the President would be prepared to come back to the Congress and ask for support for military activities in support of South Vietnam."

Kissinger was questioned briefly about the situation during closed testimony before the Senate Foreign Relations Committee yesterday.

Participants said he pledged that Congress would be "consulted" if the administration felt it necessary to take new military action in Indochina, with enough time for Congress to act on the matter.

Kissinger told newsmen afterward that the war powers law is being studied "to see that the policies that are pursued will be consistent with the intentions of Congress." Committee Chairman J. W. Fulbright (D-Ark.) said he did not believe the war powers law supersedes the combat ban. He said Kissinger assured the committee that "any significant change in foreign policy will be reported to Congress in advance."

Sen. Jacob K. Javits (R-N.Y.), prime sponsor of the war powers law, said no "good faith interpretation" of it "would support any contention" that it supersedes the combat ban.

Church pointed out that a ban on any U.S. combat throughout Indochina after Aug. 15 was written into a State Department and a sup-

plemental appropriations law on June 30. Another ban was written into a State funding law in October, and on Nov. 17, a week after the war powers law was enacted, a military procurement act became law with a Case-Church amendment stating:

"Notwithstanding any other provision of law, upon

enactment of this act no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of U.S. military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia unless specifically authorized hereafter by the Congress."

## PENTAGON, From A1

ated that there was no immediate threat to the survivability of American weapons against a Soviet surprise attack.

But he suggested that U.S. nuclear strategy was indeed facing an important change in the sense that the United States might develop for the first time weapons that could strike at certain Soviet military targets—rather than just cities or industrial centers—if the Soviet Union persisted in such developments.

"I would not want the President, any President of the United States, to be in a position in which the Soviets are in a unilateral position of striking at U.S. military forces with a degree of effectiveness which the Soviets do not perceive that we could achieve," Schlesinger said.

These were among the other key points made by Schlesinger:

- The United States will change its naval strategy in the Indian Ocean, sending in task forces "more frequently and more regularly than in the past." Asked for an explanation, Schlesinger said only that events in the Middle East had made everyone more aware of the interest in that area, which borders on the oil-rich Persian Gulf and tanker routes to the West.

A task force headed by the aircraft carrier Oriskany is now heading for the Indian Ocean to replace the carrier Hancock, which has been there for several weeks.

- Within the next two to three months, cutbacks and some closings will be carried out at 59 U.S. bases and facilities overseas, most of them small ones. The action will save an estimated \$35 million annually and eliminate some 3,900 military and civilian jobs.

A further review of base reductions in this country is also under way.

- An unspecified number of officers face removal from the military because the declining manpower level of the armed forces

means there are now too many officers in relation to enlisted men. Schlesinger said he hoped Congress would provide legislation to allow this cutback.

- The Defense chief said that even though the Pentagon was forced to make additional demands on domestic fuel production of about 1 per cent because overseas military preparedness, "I off, "I am not prepared to offer any apology whatsoever . . ." He said that military usage had been reduced, and that when it came to cutting into actual

think we will have the total support of the public."

"Even if it were to require an additional 3 or 4 per cent," he said he thought the public would still support a decision "not to stand down the bulk of our military establishment."

Schlesinger said if the boycott continues, the Pentagon—every two or three months—might have to repeat its recent order under the Defense Production Act for priority on some 19.7 million barrels of fuel from U.S. suppliers.

But he indicated future needs might be smaller, since further adjustments will have been made and some temporarily reduced reserves will have been built up.

Schlesinger also said neither he nor Pentagon lawyers nor the Senate Armed Services Committee has found conflict of interest present in the case of Deputy Secretary of Defense William P. Clements Jr., a major figure in Defense Department oil programs who still owns 1.6 million shares of Sedco, a Texas-based oil drilling contractor that Clements founded.

He said Clements would remove himself from any decision that might involve a conflict and saw no such conflict in recent complaints from some Texas oilmen that the United States was still shipping drilling equipment—some from Sedco—to Arab nations when there was a scarcity of such equipment here to expand U. S. production.

On the recent bitterness with some NATO allies over their policies during the Arab-Israeli war, Schlesinger said the United States did not want that dispute to spill over into disruption of European security.

He preferred to see the dispute as an opportunity. "The alliance has gotten somewhat stale, and the fact that this somewhat stale millpond has been stirred up provides us and our allies with an opportunity to re-evaluate and rethink and, I hope, to strengthen the alliance."