

Historian, at a Seminar for Senators, Urges Curb on President's War Power

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Henry Steele Commager, who introduced generations of students to American history, conducted a seminar at a Senate Foreign Relations Committee hearing today and reinforced the senators' fears that the President was infringing on the war-making power of Congress.

The 68-year-old Professor of History at Amherst sought to prod his new senatorial students into action by asserting that democratic institutions would be endangered unless some restrictions were placed on the Presidential power to make war.

Dr. Commager, who reiterated his opposition to the war in Vietnam, was the first witness as the committee began hearings on proposals to invoke such restrictions.

Senator J. W. Fulbright, the committee's chairman, said it was embarking upon the task of trying to find some practical means of "maintaining democratic controls over the most antidemocratic activity known to man."

The hearings are the latest step in the Senate effort over the last four years to reassert the war-making powers of Congress.

Stennis Favors Move

The impetus has come not only from the critics of the Vietnam war but from defenders of United States policy, such as the late Senator Richard B. Russell of Georgia and his successor as chairman of the Armed Services Committee, John C. Stennis of Mississippi.

Two years ago the Senate passed a resolution calling on the President not to undertake foreign commitments to war without the sanction of Congress. Now the committee is seeking to enforce that "sense of the Senate" resolution with specific injunctions.

The committee has before it bills by Senator Jacob K. Javits, Republican of New York, and Thomas F. Eagleton, Democrat of Missouri, that would specify that except for emergency actions, such as repelling attack, the President could not undertake extended hostilities without Congressional consent. A variation by Senator Robert Taft Jr., Republican of Ohio, would prohibit the President from deploying forces overseas without the consent of Congress.

In the course of a 45-minute history lecture followed by a 90-minute seminar with committee members, Dr. Commager developed the argument that what he termed abuse of



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Henry Steele Commager, the historian, appearing before the Senate Foreign Relations Committee yesterday.

the war powers was a relatively recent development.

"It is only in the last 20 years or so," he said, "that Presidents appear to have thrown caution and even constitutional scruples to the wind, as it were, ventured, on their own authority, into military operations that were in fact acts of war, that were on a large scale, that were in distant parts of the globe, and that constituted 'commitments' whose vindication threatened the integrity of our political and constitutional system," he said.

American Policy Criticized

Dr. Commager said that such action was but "a reflection, and perhaps a consequence, of abuse of power by the American people and nations."

"For the decades now we have misused our prodigious power," he added. "We are even now engaged in a monstrous misuse of power in waging war on a distant people that does not accept our ideology or our determination of its future."

While endorsing the Javits bill, he suggested that it was addressing itself to the symptoms rather than to "the fundamental disease," which he described as "the psychology of cold war, our obsession with power, our assumption that the great problems that glare upon us so hideously from every corner of the horizon can be solved by force."

Dr. Commager challenged the argument commonly advanced by the executive branch—and pursued today by Senator Gale W. McGee, of Wyo-

ming, a former history professor at his state's University—that in the nuclear age the exigencies of time did not always permit the executive branch to consult with Congress before acting in a foreign crisis.

With the exception of the civil war and the possible exception of the Korea war, Dr. Commager said, "there are no instances in our history where the use of war-making powers by the executive without authority of Congress was clearly and incontrovertibly required by the nature of the emergency which the nation faced."

"On the contrary," he said, "in almost every instance the long-run interests of the nation would have been better promoted by consultation and delay."

Secretary of State William P. Rogers, addressing the winter conference of the Veterans of Foreign Wars, said that "there's no reason, when the South Vietnamese are as strong as they are, why they should be under any restrictions militarily" in operations against North Vietnamese forces.

Defending the South Vietnamese invasion of Laos, he also said that "there was no reason—legally or morally" why the North Vietnamese "should have safe havens" in Laos.

"It makes no sense under the rules of war, international law or equity to let an enemy occupy territory and use it against our forces and use it with impunity," he explained. "If you conduct a war in which the only action you can take is defensive, then you are at the mercy of the enemy."