

Stennis Offers War Curb on President

By JOHN W. FINNEY

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WASHINGTON, May 11 — John C. Stennis, Chairman of the Senate Armed Services Committee, introduced legislation today that would curb the power of Presidents to commit the nation to war without the consent of Congress.

"The decision to make war is too big a decision for one mind to make and too awesome a responsibility for one man to bear," the Mississippi Democrat told the Senate in introducing his war powers bill. "There must be a collective judgment given and a collective responsibility shared."

Senator Stennis made it clear that he was not pressing for immediate action but, rather, was opening a matter that Congress could consider "for a year or more" before drafting legislation.

Pointing to the public divisions caused by an undeclared war in Vietnam, Senator Stennis expressed doubt that "the United States could expect to prevail in a conventional war in the foreseeable future which was not declared by Congress."

Mr. Stennis, a leader of Southern conservatives, thus threw his support behind a move by Senate liberals, such as Jacob K. Javits, Republican of New York, and Thomas F. Eagleton, Democrat of Missouri to restrict through legislation the President's war powers.

Move Stirs Senate

The Stennis move was regarded within the Senate as one of those potentially historic moments when the action of one man can turn the tide of policy. Just as the conversion of the late Senator Arthur Vandenberg of Michigan at the end of World War II to internationalism led to a bipartisan foreign policy that enhanced the power of the President, so now the Stennis intervention was regarded in Senate circles as an action that could lead to a redressing of the balance of the war and foreign policy powers between the President and Congress.

Until now the move to limit the President's war powers has come primarily from liberals and critics of the Vietnam war. But to this movement has now been added the influential voice of a Senator who has supported the Vietnam policies and has championed the cause of the military in Congress.

The timing of the Stennis speech assumed a particular significance since Secretary of State William P. Rogers is scheduled to testify before the Senate Foreign Relations Committee Friday on war powers legislation. Mr. Rogers is known to believe that any restriction on the President's war powers is unnecessary and impractical, but now he can oppose the legislation only at the risk of crossing swords with a newly formed liberal-conservative coalition in the Senate.

Senator Stennis, specifically exempted the Vietnam war from his bill, but he said he had been influenced by what he called the "lessons" of that war as well as the Korean war, in coming to believe that Congress must now reassert what he described as its basic constitutional power to decide whether the nation should go to war.

Nearly 21 years ago, he said, he was standing in virtually the same spot on the Senate floor when he learned that President Truman had landed troops in Korea without a Congressional declaration of war.

"I have never forgotten how I felt," he said as he departed from his prepared speech. "I pushed it aside, thinking there was some justification in a Security Council action by the United Nations, but I am not over it yet."

Reviewing the pattern of postwar military involvements, Senator Stennis said:

"I am concerned that we not again allow the United States to slip gradually into a major conflict without authorization by Congress."

'The Original Safeguard'

Mr. Stennis said he had come to this "new starting point" in his thinking because he had learned from the Vietnam war that "we must return to the original safeguard" whereby under the Constitution only Congress can commit the nation to war.

"We have also learned," he said, "that unless this course is followed, the people as a whole do not feel committed, they do not and cannot have a full sense of personal commitment and personal obligation."

Senator Stennis challenged the commonly asserted argument from the executive branch that Congressional limitations on the President's war powers would be "an undue restraint" on the President's power to conduct foreign relations and on his powers as commander in chief. Congress, he said, should be able "to summon the skill to design a mechanism which will restore to Congress the power to declare war without impeding the due exercise of Presidential authority."

In its general thrust, the Stennis bill is similar to the Javits bill that would limit the President's authority to undertake military action except in emergency situations. But the Stennis bill is somewhat more restrictive than the Javits bill and thus corresponds more closely to a bill introduced by Senator Eagleton.

Under the Stennis bill, a general prohibition would be laid down against the President's using the armed forces in any armed conflict in the



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Senator John C. Stennis

In such emergency situations, the President could use the armed forces for only 30 days without obtaining Congressional authorization.

The Stennis bill would prohibit the President from using an attack upon a nation with which the United States has a mutual defense treaty as a justification for using American forces without Congressional authorization. It would also require Congressional authorization for United States military personnel to serve as advisers to foreign armies engaged in combat.

In the Senate Foreign Relations Committee, meanwhile, opponents of the Vietnam war continued their attempt to use Congress's power over appropriations to force an end to the war.

Senator Eagleton of Missouri told the panel that during an inspection trip to Vietnam last month, he had been informed by top American commanders that they were operating on the planning assumption that a "residual force" would remain in Vietnam for "an indefinite period" and that American air power would be maintained "for an even more protracted period."

On the Senate floor Hugh Scott of Pennsylvania, the Republican leader, predicted that by the end of 1972 the president would have "a minimal supporting force" in Vietnam—"less than what we have in Korea."

While declaring that the President's objective is "total and complete withdrawal," Senator Scott said it would take "two years in all probability" to give the South Vietnamese Government a reasonable chance of surviving.

absence of a specific Congressional authorization. The bill, however, would give the President freedom to use the armed forces to meet certain emergency situations.

Thus, the President could use the armed forces "to the extent reasonably necessary" to do the following:

☛Repel any armed attack on the United States or its armed forces.

☛Prevent or defend against an imminent nuclear attack on the United States, "but only if the President has clear and convincing evidence that such attack is imminent."

☛Evacuate American citizens from any foreign country where they face "an imminent threat."