Senate, 68-16, Backs Curb On President's War Power

WASHINGTON, April 13—The Senate, by a vote of 68 to 16 approved today and sent to the House a far-reaching bill that seeks to limit the President's authority to commit the nation to sustained hostilities without the consent of Congress.

Despite opposition by the Nixon Administration, which had termed the bill unconstitutional and unwise, all four Republican leaders of the Senate — Senators Hugh Scott, Robert P. Griffin, Gordon L. Allott and Margaret Chase Smith — voted for it.

For the Senate, the bill represents its most ambitious effort in recent years to reassert what it regards as the foreign policy perogatives of Congress. But to observers it appeared exceedingly doubtful that the bill would be approved by the House of Representatives.

Power Delineation Sought

A direct outgrowth of the Vietnam war, the bill was advanced by a coalition of liberal and conservative supporters as a way to give Congress a voice in an age of undeclared wars.

The bill would attempt to define and delineate by legislation for the first time the war-making powers conferred on the Presidency and Congress by the Constitution. It would authorize the President to make emergency use of the armed forces but would provide that the President could not continue hostilities for more than 30 days without specific Congressional approval.

In the House, leaders of the

Foreign Affairs Committee have already made clear that they regard the measure as an undesirable, if not unconsitutional, encroachment upon the President's powers as Commander in Chief. The likelihood is that the measure will die in the House committee.

The House last year approved a war-powers bill that would require the President to submit a report to Congress when he commits the armed forces to hostilities. That approach, acceptable to the Administration, was rejected by the Senate yesterday by a vote of 56 to 22 when offered as a substitute bill by Senator Peter H. Dominick, Republican of Colorado.

House Bill Provides Device

The House bill, however, does provide the Senate with a parliamentary device to rescue its bill from inattention by the House. One possibility under consideration in the Senate was to take up the House bill, substitute the Senate-passed version, and thus send the legislation to a Senate-House conference committee.

Senators Jacob K. Javits, Republican of New York, and Senator William B. Spong Jr., Democrat of Virginia, the two floor managers who steered the measure through 11 days of debate, expressed the hope that the one-sided Senate vote would help force House consideration of the measur.

Even if the bill is not immediately enacted, its Senate sponsors felt they had got across an intended political message to the executive branc that Congress must be involved in decisions on hostilities.

Effect Believed Achieved

Senator Javits and Spong expressed the view that, as a matter of political precaution, no President would now commit the nation to hostilities without obtaining the specific approval of Congress.

As the debate progressed, the sponsors emphasized repeatedly that the purpose was not to detract from the President's constitutional power as Commander in Chief. To State Department officials, the sponsors also offered increasingly flexible interpretations of the emergency authority that the President could exercise under the bill.

In the absence of a declaration of war by Congress, the bill would permit the President to use the armed forces to repel or forestall an armed attack upon the United States, or its forces abroad, or to protect American nationals while they were being evacuated from a foreign country in which they were endangered.

The bill goes on to provide that the use of the armed forces in such situations cannot be extended beyond 30 days without authorization "in specific legislation enacted for that purpose by the Congress." In the course of debate, this restriction was modified.

The bill makes a point of saying that no existing treaty gives the President "specific statutory authority" to commit the armed forces to hostilities.