

# The Nation's Moment of Truth



**Anthony Lewis**

**T**HE UNITED STATES has had many Presidents who took a broad view of their power under the Constitution, but never before had any President sought to amend the Constitution by himself—brazenly, defiantly, by fiat.

That is what President Nixon has just done in vetoing the appropriations bill that banned any further money for the bombing of Cambodia. The import of that veto is breathtaking.

What it amounts to is this. If Mr. Nixon has his way, the Constitution will effectively contain a new clause that says:

*"The President shall have power to wage war unless the Congress, by a two-thirds vote of both houses, shall order him to desist."*

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**O**UR COUNTRY has had so many crises of conscience and law in recent years that a certain weariness is understandable. But this one is of a different character—a genuine constitutional crisis, in the words of that moderate and gentle man, Senator Mike Mansfield.

An explanation in A.B.C. terms is therefore required. It must begin with the original language of the Constitution, which vested in Congress alone the power "to declare war."

Over the years, Presidents have taken military action of various kinds without a previous formal declaration of war.

But until now these presidential military adventures have been of limited character or duration, or else have de-

pendent for their legal support on the effective consent of Congress.

The bombing of Cambodia since the Paris agreements on Vietnam has been something quite different. For here Congress had not implied its consent in any way, not by resolution and not by ratifying any treaty that covered Cambodia.

Now Mr. Nixon has gone one long step further. He claims independent authority to wage war, in the name of the United States.

In short, he is attempting to reverse the constitutional assumption. Instead of the old idea that the United States should be at peace unless Congress declared otherwise, the new rule would be that a President may take his country into war unless Congress stops him.

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**A**ND MORE than that, much more. For of course the veto provision of the Constitution requires two-thirds majorities to override. And by this veto Mr. Nixon would impose that same requirement on Congress — and on the American people whom it represents — to stop a war.

The consequences of this veto message are therefore grave.

Unless the President changes his mind, the talk of impeachment must now take a new and more immediate ground. For in the ultimate, if there is no other resolution, Congress is faced with an attempt at a presidential coup d'etat. It must consider its own ultimate weapon.

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