

Foes of Cambodia War Win Senate Test, 54-36

Rejection of Dole Amendment Indicates They May Have Enough Strength to Approve Cooper-Church Plan

By JOHN W. FINNEY JUN 4 1970
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WASHINGTON, June 3—In a key test of strength on the Indochina-war issues, a bipartisan coalition in the Senate demonstrated today that the coalition commands a clear majority supporting legislative restrictions on future military activities in Cambodia.

The test came on an amendment offered by Senator Robert Dole, Republican of Kansas, who is a supporter of President Nixon's Asian policy. The Dole draft would have barred legislative restrictions on the President's authority from taking effect so long as Americans were held prisoner in Cambodia.

The Dole amendment was defeated 54 to 36, with 39 Democrats and 15 Republicans voting against it and 12 Democrats and 24 Republicans voting for it.

The Senate voted nine hours before the time scheduled for President Nixon's "interim" report on the Cambodian operation—a speech that seemed intended at least in part to influence the course of the Senate debate, which is nearing the end of its third week with no end in sight.

For the first time, the President was confronted with a situation where the Senate critics of the war seemed able to forge a majority against the White House.

The White House opposes the amendment placed before the Senate by Senator John Sherman Cooper, Republican of Kentucky, and Senator Frank Church, Democrat of Idaho. The Cooper-Church amendment would prohibit the President

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from spending any funds to "retain" American forces in Cambodia after July 1 or to supply military advisers, mercenaries or combat air support to the Cambodian Government, without Congressional consent.

On the basis of today's vote, it appeared that the White House could not block the Cooper-Church amendment to a foreign military sales bill. The evolving strategy of Mr. Nixon's supporters in the Senate, therefore, was to delay a vote until after American troops were withdrawn from Cambodia later this month in the hope that this might reduce support for the Cooper-Church amendment.

The Dole amendment was widely interpreted in the Senate as an attempt to nullify the effectiveness of the Cooper-Church amendment. In voting against the amendment, therefore, a majority of Senators were showing support for the Cooper-Church amendment.

The next test of strength is to come on an amendment offered by Senator Robert C. Byrd of West Virginia, an assistant Democratic leader who is often allied with conservative Republicans and Democrats. The Byrd amendment would provide that the prohibition against "retaining" American forces in Cambodia would not "preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to hasten the withdrawal of United States forces from South Vietnam."

In a speech, Senator Byrd protested that the Cooper-Church amendment would "tie the hands" of the President as Commander in Chief and "guarantee to the enemy complete freedom to return to the border sanctuaries without fear of future attack from United States ground forces."

Griffin Joins Byrd

With its assertion of the President's authority as Commander in Chief—the same constitutional authority cited by Mr. Nixon for ordering the Cambodian intervention—the Byrd amendment is certain to be supported by the Administration. Senator Robert P. Griffin of Michigan, the assistant Republican leader, immediately joined as a co-sponsor of the Byrd amendment.

Repeatedly in the debate, Senators Cooper and Church have sought to emphasize that their amendment is intended not to detract from the President's power as Commander in Chief, but only to make clear that the President should not commit the nation to military action in Cambodia or in support of the Cambodian Government without first obtaining the approval of Congress.

They have been reluctant, however, to insert in their amendment a reference to the President's authority as Commander in Chief lest this be

used as a way of circumventing the restrictions.

For example, Senator Mike Mansfield, the Democratic leader, immediately protested that with the Byrd amendment, the Cooper-Church amendment would amount to "just another Gulf of Tonkin resolution but more binding." The Tonkin Resolution adapted in 1964, which the Nixon Administration does not claim as a basis of authority gave congressional endorsement to actions taken by the President to repel Communist aggression in Southeast Asia.

The vote on the Byrd amendment, which will not come until next week at the earliest, was expected to be closer than the vote on the Dole amendment. However, supporters of the Cooper-Church amendment on the basis of today's test were confident they had the votes to defeat the Byrd amendment, although perhaps narrowly.

Some Senators who voted against the Dole amendment may switch and vote for the Byrd amendment. Senator Dole

estimated that the Byrd amendment would pick up seven or eight additional votes. But supporters of the Cooper-Church amendment believed there were four or five Senators voting for the Dole amendment who would switch and vote against the Byrd amendment, thus preserving the majority.

At least a few Senators who support the Cooper-Church amendment voted for the Dole amendment because of a political concern that they not be placed in the position of seeming to vote against the welfare of prisoners. But on the other side, some Senators who objected to the injection of the prisoner-of-war issue have reservations about taking any step that could be interpreted as infringing upon the President's power as Commander in Chief and thus may vote for the Byrd amendment.