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SENATE GETS CURB ON USE OF TROOPS

Javits Bill Seems Assured
of Conservatives' Support

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WASHINGTON, Feb. 10—A new effort to impose legislative restrictions on the war-making powers of the President began in the Senate today amid indications that there is conservative support for it in Congress.

Senator Jacob K. Javits, Republican of New York, introduced legislation that would limit the President's authority to commit American troops to hostilities without Congressional approval.

Under the Javits bill, designed to "regulate undeclared war," the President, as commander in chief, would have authority to initiate hostilities to meet emergencies, such as an attack on the United States or an attack on American troops abroad, to protect the lives and property of Americans abroad and to comply with a treaty obligation.

The President, however, could not continue the hostilities for more than 30 days, the bill provides, unless he obtained Congressional authorization.

Bipartisan Sponsorship

Joining Mr. Javits as sponsor of the bill were two Democratic Senators, Claiborne Pell of Rhode Island and William B. Spong Jr. of Virginia — both members, as is Mr. Javits, of the Foreign Relations Committee—and Senator Charles McC. Mathias Jr., Republican of Maryland.

The Nixon Administration's attitude toward the Javits approach is still unclear. In the past, the Administration has resisted such steps as the Cooper-Church amendment, which prohibits the use of United States ground combat troops in Cambodia, as an intrusion upon the President's powers as Commander in Chief. But there is a belief in the Senate that the

Administration may assume a more cooperative attitude toward the Javits bill if it commands considerable bipartisan support in Congress.

Senator Javits introduced a similar bill last year only to see it languish in the Foreign Relations Committee. But this year the legislative climate appears to have changed.

Probably the most important shift is that Senator John Stennis, Democrat of Mississippi, Chairman of the Armed Services Committee, who has been the leading Senate exponent of the President's powers as commander in chief, is now advocating Congressional restraints.

Gives Views in Speech

In a speech a month ago in Jackson, Miss., Senator Stennis "totally rejected the concept advocated from time to time that the President has certain inherent powers as Commander in Chief which enable him to extensively commit major forces to combat without Congressional consent."

Since his speech, Senator Stennis has been actively exploring various legislative paths to define the war-making powers of Congress and the President. In view of his prestige on military matters, his lead can be expected to be followed by other conservatives in the Senate.

Senator Javits said at a news conference, "Our tragic experience in Indochina shows that the pendulum has swung too far in the direction of Presidential war-making power."

"To those who would argue that the President's powers as Commander in Chief, in the absence of a declaration of war, are whatever the President defines them to be, I would reply that nothing could be further from the spirit and letter of the Constitution — and nothing could be more hazardous to our constitutional form of government," Mr. Javits declared.

Senator Javits observed that the current United States-supported South Vietnamese operation in Laos demonstrated how such restrictions as the Cooper-Church amendment imposed only limited restraints on the President, who was still free to commit American air power in Laos.

Under his bill, Mr. Javits said, the Laotian operation would have constituted hostilities that the President could pursue for only 30 days without Congressional authorization.

Reluctance to Cut Funds

Particularly when American forces are engaged in combat, there is a reluctance in Congress to use its ultimate power of the purse strings to cut off funds for foreign hostilities. This was the approach attempted last year in the McGovern-Hatfield amendment, which would have required the withdrawal of all American forces from Vietnam by the end of 1971.

The McGovern-Hatfield proposal, rejected by the Senate last year, has been reintroduced as a separate bill this year by Senator George McGovern, Democrat of South Dakota, and Senator Mark O. Hatfield, Republican of Oregon, and 19 other Senators. A companion bill was introduced in the House today by Representative Jonathan Bingham, Democrat of the Bronx and about 50 other House members.

The approach offered by Senator Javits is to attempt to lay down general statutory limitations on the President that would apply in all future military situations.