

U.S. MAY HELP GET VIETNAMESE OUT

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Speech Indicates Thousands in Danger of Reprisals Might Be Withdrawn

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WASHINGTON, April 10 — President Ford asked Congress tonight to give him authority to use American troops to protect the evacuation from Saigon of Vietnamese "to whom we have a special obligation and whose lives may be endangered, should the worst come to pass."

The President's speech was the first official indication that in addition to withdrawing 6,000 Americans still in Saigon, the Administration was proposing to evacuate tens of thousands of South Vietnamese citizens who might be subject to Communist reprisals because of their close association with the United States.

In his speech to a joint session of Congress, Mr. Ford asked Congress to make it clear that he had the authority to use American troops to protect the evacuation.

In laying the groundwork for a large-scale evacuation should the Saigon Government collapse, Mr. Ford, in his foreign policy address before a joint session of Congress, urged that Congress "clarify immediately" his authority to use American troops "for the limited purpose

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of protecting American lives by insuring their evacuation, if this should become necessary."

The President said he had to consider the safety of "tens of thousands of South Vietnamese employees of the United States Government, of news agencies, of contractors and businesses for many years, whose lives, with their dependents, are in grave peril."

He said the United States also had "a profound moral obligation" to "tens of thousands of other South Vietnamese intellectuals, professors and teachers, editors and opinion leaders who have supported the South Vietnamese cause and the alliance with the United States."

In asking for authority to use troops to protect an evacuation, Mr. Ford urged Congress to clarify the restrictions on the use of military forces in Southeast Asia.

There are two major legislative restrictions. One prohibits the involvement of United States forces in, over or off the shores of Vietnam. The other, which may be of more importance in an evacuation effort, is the 1973 War Powers Act establishing the war-making powers of the Presidency.

While the President was not specific, he appeared to be asking Congress to make clear that under the War Powers Act he had authority to use troops to protect the evacuation effort.

Before tonight's speech, Mr. Ford and Administration lawyers had been contending that the President, as Commander in Chief, had this authority inherently without the specific approval of Congress.

This position was challenged today by Senator Robert C. Byrd of West Virginia, the assistant Democratic majority leader, who protested that the

President was establishing "a dangerous precedent." The same objections were raised by Senator Thomas F. Eagleton, Democrat of Missouri.

At this point the debate is largely legalistic, since it is generally agreed that there would be no serious Congressional objections to a Presidential decision to use marines to rescue Americans who might be in danger in Saigon. But as seen by the two Senators, the legal authority used for such a decision could provide an important test of Congress and ability to limit the Presidential war-making powers.

If the Administration persists in its position that the President has inherent powers to use the marines, Senator Byrd is prepared to force the issue by introducing a resolution authorizing the use of military forces in an evacuation effort. With his considerable influence in the Senate, Senator Byrd could be expected to obtain Senate approval.

The Administration's hope according to officials, would be to avoid the use of marines, partly by gradually reducing the American contingent in Saigon, as is already being done in Cambodia.

To a certain extent, however, officials said, such plans are being thwarted by Graham A. Martin, the American Ambassador in Saigon, who is said to be resisting any partial evacuation at this time as unnecessary and potentially demoralizing to the Saigon Government.

Officials reported growing impatience at high Administration levels over Mr. Martin's independence and indicated that the Ambassador would be ordered to begin a quiet partial evacuation.

Even if the contingent is reduced, however, the Administration, contemplates the pos-

sible use of marines to provide protection as the last Americans are evacuated from Saigon. The Defense Department's contingency plans call for flying in marines by helicopter to set up a defensive perimeter as the Americans are removed, either by plane or helicopter.

In a news conference last week in San Diego, Mr. Ford said he interpreted the War Powers Act as giving the President "certain limited authority to protect American lives" through use of military forces. Mr. Ford expanded on this "legal justification" in a letter last Friday to Congressional leaders reporting, as required under the war powers legislation, that one of the United States Navy ships evacuating Vietnamese refugees had entered the territorial waters of South Vietnam on April 3 to pick some up.

Mr. Ford said the use of the Navy ships in the evacuation effort was "undertaken pursuant to the President's constitutional authority as Commander in Chief and chief executive in the conduct of foreign relations and pursuant" to a 1973 amendment to the Foreign Assistance Act "which authorizes humanitarian assistance to refugees, civilian war casualties and other persons disadvantaged by hostilities."

In an interview, Senator Eagleton protested that the Foreign Assistance Act was not a valid basis of Presidential authority. He said that the War Powers Act specifically states that Presidential authority to use troops "shall not be inferred from any provision of law" unless the provision "specifically authorizes the introduction of United States forces" into hostile situations. He also said that the 1973 amendment was designed to authorize a program of postwar reconstruction in Indochina and makes no mention of the use of American troops.