

# Congress Explores Evacuation Request

## U.S. Trying to Get Cease-Fire

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A wary Congress yesterday began to explore the President's request for legislation to "clarify" his authority to send U.S. troops to evacuate Americans and their South Vietnamese employees from the war.

At the same time, the United States moved on the diplomatic front to try to induce North Vietnam, the Soviet Union, China and other nations to help bring about a cease-fire in South Vietnam, which also could permit a peaceful evacuation.

No cease-fire is conceivable, diplomats privately agree, short of what amounts to surrender terms for the government of President Nguyen Van Thieu.

The White House presented Congress formal legislative requests to fulfill the

controversial Vietnam program laid out by President Ford Thursday night.

President Ford asked for \$722 million in new military aid, which is opposed by most Democrats and many Republicans; for \$250 million in economic and humanitarian aid, which has much brighter prospects of approval, and for the evacuation authority, which requires legislation.

There is general support in Congress for sending U.S. forces to evacuate about 5,400 Americans from South Vietnam. But opposition to use of American troops to evacuate up to 200,000 Vietnamese who worked for the United States was being registered in both houses of Congress.

The Ford administration **See DIPLOMACY, A8, Col. 1**

### DIPLOMACY, From A1

sought broad authority to carry out President Ford's requests to Congress, but Congress appeared headed in exactly the opposite direction:

- To "clarify restrictions" on funds to employ American troops in Vietnam, the White House late yesterday asked Congress to waive all limitations on American armed forces "to aid, assist, and carry out humanitarian evacuation, if ordered by the President."

- A group of 33 first-term House Democrats caustically questioned an assistant secretary of state about President Ford's intentions, suggesting that the President is trying to "set up" Congress for the blame if Vietnam falls under total Communist control.

- Two staff investigators of the Senate Foreign Relations committee reported from Saigon that it already may be too late to remove Americans from South Viet-

nam and their Vietnamese employees, under "highly volatile" conditions there.

- On Monday, the Senate caucus of 61 Democrats is scheduled to meet at request of Sen. James Abourezk (D-S.D.). He said he will press for rejection of the President's money requests and elimination of plans to evacuate South Vietnamese. Aides said Abourezk will urge cease-fire negotiations with North Vietnam to permit evacuation of Americans.

Senate Majority Leader Mike Mansfield (D-Mont.) and Majority Whip Robert C. Byrd (D-W.Va.) both said they oppose the \$722 million request. Mansfield said he is very leery of authorizing troops to evacuate any South Vietnamese, and Byrd expressed even stronger misgivings.

Mansfield said he is concerned about what may develop in such an evacuation attempt, "because you don't know what's involved. I'm primarily interested in the rescue of the Americans."

Byrd said, "I'm very much opposed to the use of the armed forces to evacuate any South Vietnamese personnel. You'd be all over the country." But Byrd said "we have a duty" to evacuate Americans.

Byrd said he is drafting legislation that would confine the use of U.S. troops to evacuation of Americans. Sen. Thomas F. Eagleton (D-Mo.) said he is working on a proposal to let troops rescue South Vietnamese as well, but only if they are in areas controlled by U.S. forces for the evacuation of Americans.

In the Senate and in the House members expressed concern yesterday that any broad grant of evacuation authority could turn into another 1964 Gulf of Tonkin

Resolution, pulling the United States back into the war.

Secretary of State Henry A. Kissinger said he hopes Congress will comply with the President's request for "clarifying legislation" to permit the double evacuation, but that the administration believes it will still be able to take some action without it.

"There is a legal opinion," Kissinger told reporters at the State Department, "that holds that the President has the inherent constitutional power to protect American lives even in the absence of such clarification," which the administration strongly desires.

"If American lives would be endangered" before such legislation could be passed, Kissinger said, "then the President would have to act on his conception of his constitutional authority."

However, Kissinger said, "There is no question whatever that we have no legal authority to remove South Vietnamese or other foreign nationals unless it is in connection with some American evacuation and there is space available."

Mr. Ford asked for all legislative action to be completed by April 19. This would be extraordinary speed for congressional action.

The Senate Foreign Relations Committee was informed yesterday by two of its staff investigators in South Vietnam that the situation in Saigon already may be too critical to permit any massive evacuation.

Investigators Richard M. Moose and Charles F. Meissner, due to return to Washington today, cabled the committee that the situation in Saigon, which faces the threat of overwhelming at-

tack by North Vietnamese forces, is "highly volatile."

"There is a growing feeling here in Saigon," they reported, "that . . . it may already be too late — if indeed there was ever time — to get the more than 5,000 remaining Americans out of Saigon safely—let alone remove many Vietnamese friends. Even a strong use of U.S. force would not improve prospects for a mass evacuation of Americans and Vietnamese."

Under restricting legislation passed by Congress in 1973 in multiple forms after U.S. troops were withdrawn from Indochina, there are special bans on further use of troops in the area.

There are prohibitions on the direct or indirect use of American forces in "combat activities" throughout Indochina; on any "involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia," and on the use of American funds to finance "military or

paramilitary operations" in the region.

In addition, the War Powers Act limits presidential use of American troops in hostile situations to 60 days and requires reporting of any involvement that might lead to war.

Sen. Jacob K. Javits (R-N.Y.), a chief sponsor of the war powers legislation, said the legislative history shows it permits the United States to use limited force to rescue endangered American civilians. But, Javits said, "It is crystal clear that there is no such emergency authority for the purpose of evacuating foreign nationals."

The Ford administration, in its request to Congress last night, proposed legislation stating that nothing in existing law "shall be construed as limiting the availability of funds for the use of the Armed Forces of the United States to aid, assist, and carry out humanitarian evacuation, if ordered by the President."

Several Senate sources demand much more specific

limitation on evacuation authority.

Sen. Frank Church (D-Idaho) said the President should order Americans out of South Vietnam now, "while there is still time to do so without the use of force."

Resolutions circulated in the House call for evacuation of American nationals "solely utilizing civilian personnel and transport."

Rep. Berkley Bedell (D-Iowa) said there is concern that use of American troops should "not be used as a pretext, unintentional or otherwise, for any involvement of American combat forces in Vietnam."

Both the Senate Armed Services Committee and the Senate Foreign Relations Committee scheduled hearings for Tuesday on the President's request, with Kissinger due to appear in open session before the foreign relations group.

The United States, in its diplomatic note to North Vietnam yesterday, said that nation "should have no doubt that it will be held responsible for the consequences" if it "does not reverse its present military course in South Vietnam."

No indication was given of what the consequences might be, in view of the Ford administration's position that there is no intention to reintroduce U.S. combat forces into Vietnam.

The United States charged North Vietnam with "total contempt" of the 1973 Paris cease-fire accord by launching an offensive in South Vietnam which has produced "a human flight of refugees which is of historic proportions."

*Staff writers Richard L. Lyons and Spencer Rich contributed to this article.*