

NYTimes  
Kissinger Says U.S. May Shelter 70,000  
MAY 1 1975

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Special to The New York Times

WASHINGTON, April 30—United States Navy ships continued today to pick up South Vietnamese refugees fleeing their country in small boats, the State and Defense Departments reported.

In addition to 6,000 South Vietnamese evacuated by helicopter yesterday from Saigon along with 1,373 Americans, the State Department said, 22,000 South Vietnamese have been picked up by Navy ships waiting off the South Vietnamese coast.

As the flow of refugees continued, Secretary of State Kissinger, who yesterday used a figure of 56,000 refugees, estimated that the United States might have to resettle as many as 70,000 South Vietnamese.

Mr. Kissinger told reporters on Capitol Hill that the Administration would soon ask Congress for funds to handle the

resettlement of the refugees. Philip C. Habib, Assistant Secretary of State for East Asia and Pacific Affairs, estimated that as much as \$500-million might be required over the next year to take care of the refugees.

The Defense Department declined to say how many ships had been left in position to pick up South Vietnamese who were able to flee by small boat into the South China Sea. As for the legal authority to continue the rescue effort now that Americans have been evacuated from South Vietnam, Joseph Laitin, Assistant Secretary of Defense for Public Affairs, said at a Pentagon briefing: "There is no law that says you can't pick up people in distress on the high seas."

The Defense Department said the ships were remaining in international waters, outside the three-mile territorial limit claimed by the former South

Vietnamese Government. There is some question, however, whether this limit still applies, since North Vietnam, and presumably the Provisional Revolutionary Government, which is taking over control in Saigon, claim a 12-mile territorial limit.

Confusion over the territorial limit claimed by North Vietnam was a key element in the Gulf of Tonkin incident in August, 1964, which led to a Congressional resolution authorizing President Lyndon B. Johnson to introduce troops into South Vietnam. The Defense Department at first contended that two destroyers that it said had come under North Vietnamese attack were in international waters but later acknowledged that they had gone within the 12-mile limit claimed by North Vietnam.

The Defense Department declined today to say whether the United States was con-

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tinuing unarmed reconnaissance flights over South Vietnam. Before the fall of the Saigon Government, the Defense Department regularly conducted such reconnaissance flights, contending that they did not violate either the 1973 Paris agreement accords or Congressional restrictions against the reintroduction of American military forces into Indochina.

Meanwhile, a debate was developing between Congress and the White House over whether President Ford had legal authority to use American troops for the evacuation yesterday of 6,000 South Vietnamese from Saigon.

Before the evacuation, Mr. Ford and Administration lawyers contended that the President, as Commander in Chief, had inherent authority to use troops to rescue endangered Americans but had no authority to use troops in the evacuation of South Vietnamese citizens. Congress had not completed action on legislation requested by Mr. Ford giving him restricted authority to use troops in the evacuation of South Vietnamese citizens.

Asked what had been the President's authority to use American troops to rescue South Vietnamese citizens, Ron Nessen, the Presidential press secretary, said Mr. Ford had acted on moral, not legalistic grounds.

Mr. Nessen quoted Mr. Ford as having said: "I did it because the people would have been killed, and I'm proud of it."

#### 'Moral Rationale' Cited

When reporters noted that the White House was not citing any legal authority, Mr. Nessen, seeking to cut off the question, said, "I'm citing a moral rationale for it."

On Capitol Hill, Senator Thomas F. Eagleton, Democrat of Missouri, one of the authors of the Senate's original War Powers Bill, issued a statement questioning the legality of the President's action. While acknowledging Mr. Ford's "humanitarian motivation," the Senator said that "the President had no constitutional authority to use U. S. armed forces to evacuate foreign nationals from South Vietnam."

While the evacuation effort is now completed, Senator Eagleton said that "Congress must now legalize that operation by granting him the required authority." Otherwise, he said, Congress will be establishing the precedent that "the President has an inherent right to use U. S. forces to rescue foreign nationals without the prior authority of Congress."

Similar advice was given to the Senate Foreign Relations Committee by Senator Jacob K. Javits, Republican of New York. But one committee member, Senator Dick Clark, Democrat of Iowa, argued that Mr. Ford had exceeded the authority granted him in compromise legislation approved by the Senate but not yet adopted by the House of Representatives.

Senator Clark cited a provision in the legislation specifying that the duration of the use of armed forces to rescue non-Americans should not exceed the time required for evacuation of American citizens.

It is evident, Senator Clark said, that the evacuation effort was extended to permit the removal of a large number of South Vietnamese.

The Senate Foreign Relations Committee approved today a bill providing up to \$50-million in humanitarian aid for Cambodia, to be administered by international agencies. But it decided to hold up the legislation until the House decides whether it will act on compromise legislation that authorizes \$327-million in humanitarian assistance for South Vietnam as well as giving the President circumscribed authority to use the armed forces in evacuation of South Vietnamese.

In general, there was little Congressional criticism of the evacuation effort, with many Senators and Representatives issuing statements praising the

way the operation was carried out.

The Defense Department said that apparently the only incident in which the forces had had to resort to use of their weapons was when a F-4 fighter-bomber bombed an anti-aircraft site that was firing on the plane.

#### Fleet Moves Farther Offshore

ABOARD U.S.S. BLUE RIDGE, in the South China Sea, April 30 (UPI) — The 40 American ships involved in the Vietnam evacuation operation moved out to a new holding

area today about 50 miles off the coast.

Navy spokesmen said that the operation was officially over. [Communications monitored in Singapore showed that while the principal exodus was over, some lesser offshore operations were continuing, Reuters reported.]

More than 6,000 people, including about 900 Americans, were flown out of Saigon in the last phase of the American airlift and landed on the decks of vessels that were waiting 30 miles offshore.

Among the last to leave was the American Ambassador, 61-year-old Graham A. Martin. He appeared drawn and weary as he stepped out of a Marine helicopter before dawn onto the deck of the Blue Ridge.

The Americans aboard included two correspondents of The New York Times, Malcolm W. Browne and Fox Butterfield.

Among the 500 to 600 refugees on the Blue Ridge, which has served as the command and communications vessel of the 40-ship evacuation fleet, are Nguyen Cao Ky, former Vice President of South Vietnam, and several three-star Vietnamese generals.

A United States Embassy spokesman, John Hogan, said he believed that about a dozen Americans, including newsmen and relief agency representatives, had chosen to stay behind in Saigon.

#### Other Operations Reported

SINGAPORE, April 30 (Reuters) — Ship communications monitored here today showed that a vessel on charter to the United States Agency for International Development was carrying refugees from one end of the South Vietnamese island of Con Son to the other.

It appeared that the people on the island, which is in the South China Sea, were being moved to a site where they might be taken off more easily.

Some refugee operations were also reported around Phu Quoc Island in the Gulf of Siam. But it was not clear whether people at the refugee center there were still being evacuated.