

# President's Power In War Debated

## Hartford

In at least ten state capitals as well as in Washington, lawmakers have begun to question the extent of the President's authority in undeclared wars such as Vietnam.

State legislators from Connecticut and New York to California have introduced bills designed to force the United States Supreme Court to clarify who is empowered to commit American troops to battle and under what circumstances.

At the same time, a few congressmen in Washington have presented legislation that sharply defines and limits the use of military might by the President.

### JAVITS

Under a bill written by Senator Jacob K. Javits (Rep.-N.Y.), which is perhaps the most comprehensive of those now being studied by congressional

committees, the President could — as is now the case — independently order the military into action to repel a sudden attack, to protect American lives abroad and to comply with such national commitments as those agreed to by treaty.

More important, Javits would require the President to report promptly to Congress any use of the military and prohibit him from sustaining military action for more than 30 days without legislative approval.

Javits and some of his colleagues feel that over the years, as the World Wars have become a part of memory and limited wars — such as in Korea, the Middle East and the Dominican Republic — have become more common, the balance in foreign policy has tipped in favor of the President.

### DRAFT

In what appeared to be another expression of concern

over the imbalance, the Senate Armed Service Committee last week approved legislation that would limit the President's power to draft troops. The legislation set a ceiling on conscription that the President could exceed only by issuing an executive order setting out urgent national security reasons.

The state legislation that has been introduced across the country has been patterned after a bill signed into law in Massachusetts last spring. It challenges the constitutionality of the United States' involvement in Vietnam.

The authors of the legislation argue that Presidents Johnson and Nixon overstepped the bounds of their constitutionally ascribed authority by sending American troops into sustained combat in Vietnam in the absence of a formal declaration of war by Congress. For that reason, they insist, young Americans cannot be legally ordered to combat in Vietnam.

The bills stipulate that no state resident shall be forced to fight unless Congress has declared that a state of war exists. Some of the bills permit the President the independent use of troops for brief emergencies, such as delineated by Javits. In nearly every case, the bills direct state attorneys general to defend young men who refuse orders to proceed to the combat zone.

*N.Y. Times Service*