

## In The Nation: What Can Congress Do?

By TOM WICKER

WASHINGTON, May 4—Many members of Congress, in both parties, now are reacting to President Nixon's re-escalation of the Vietnamese war with as much anger as the "doves" used to direct at Lyndon B. Johnson. One useful but limited result is already apparent.

For decades now, the major direction of political thought in America has been to build up the powers of the Presidency, direct and implied, as against the powers of the legislative branch. While this had much to recommend it in some areas of policy, the result was to accelerate the diminution of Congressional prestige and prerogative and to blind the nation to the possible menace of the power center it was creating in the White House. Mr. Johnson first, and now Mr. Nixon, have done much to strike away the blinders; a whole generation of potential leadership is coming out of the universities convinced that the Presidency is a virtually unchallenged despotism, and determined in some vague way to "change the system."

But for the moment, what can really be done by Congress or anyone else about Mr. Nixon's decision to invade Cambodia and reopen the bombing of North Vietnam? The latter

of those operations, incidentally, was to have been carried out in secrecy, despite this Administration's talk of bridging the "credibility gap" dug by Mr. Johnson. And there was for neither assault the slightest sanction in the Presidential voting of 1968, or in anything authorized by Congress since then, or in any known measure of public opinion.

There are several things Congress could do. It could, for instance, repeal the Tonkin Gulf Resolution, which gives the war a patina of legitimacy. But Mr. Nixon would be likely—based on his performance so far—to take the view Mr. Johnson took, that even "if the resolution is repealed I think I could still carry out our commitments" in Southeast Asia, and to go right on fighting his war as Commander in Chief.

### Resolution Barring Action

Congress could also pass a resolution prohibiting American military action in Cambodia—just as, last winter, it passed a resolution barring the use of ground troops in Laos or Thailand. Again, Mr. Nixon might well find means to ignore such a resolution.

The President would be more seriously hampered if Congress refused any further funds for the war in Cambodia, or in

Southeast Asia altogether. Even in that case, there might be enough "in the pipeline" or on hand or available in contingency funds and supplies for him to keep the war going.

But Mr. Nixon's real defense against any of these steps, even against the "power of the purse-string," is political. Congress, obviously, is going to be reluctant to appear to be hamstringing the President in the necessary conduct of foreign policy. It will not eagerly put itself in position for Mr. Nixon and Mr. Agnew to declare that it is aiding and abetting a Communist enemy. A President, of course, is presumed, usually falsely, to "have all the facts"; some members therefore will not wish to pit their judgment against Mr. Nixon's, although on his record so far, it is hard to see why. Most seriously, no member will wish to refuse supplies or support for troops in the field, whose lives may be endangered and who did not choose to be where they are.

In short, in the absence of overwhelming public demand, the likelihood that Congress will do any of these things is not great; nor can any of them be clearly viewed as the right course of action. Yet the meaning of Congressional impotence would be clear, and most par-

ticularly to that large group of Americans who have spent their youth in profound opposition to an undeclared war, of no clear purpose, with no discernible end. It will mean that one man alone holds in the world's oldest democracy the absolute power of war and peace, life and death.

If that is indeed the pragmatic fact, it is repugnant to the Constitution, to democratic theory and to American ideals; and if that is indeed what "the system" has come to, it ought to be changed.

### Resolution Declaring War

That is why Congress, with its constitutional power to declare war, must make some effort to check and to balance unlimited Presidential power. And the strongest weapon may well be Congress's own war-making power—a resolution declaring war on North Vietnam, and driving the issue to that ultimate question of public and political legitimacy.

It is much to be doubted that the President would wish to win—and certainly he would not want to lose—such a vote, and the mere threat that the Democratic leadership is prepared to push for it might well re-establish some Congressional influence in policy making.