

Washington: President and Congress—A Limited Battle

By JAMES RESTON

WASHINGTON, May 14 — It is clear now that there is a determined move in the Congress, and particularly in the Senate, to limit the President's war-making powers by denying him funds to carry on the Indochina war as he pleases.

This is taking the form of legislation in the Senate to cut off money for U.S. military operations in Cambodia after June 30, to repeal the Tonkin Gulf Resolution, which the Johnson Administration used as the legal basis for its activities in Vietnam, and to set limits on the amount of military equipment the Pentagon can declare "excess" and transfer to other countries.

More than likely, President Nixon will avoid a constitutional crisis on this issue. He has already committed himself to get all U.S. troops out of Cambodia by the end of next month. He doesn't need the authority of the Tonkin Gulf Resolution to carry on the war, and he can live with limits on his authority to transfer surplus arms to other nations.

Besides, he has enough trouble on other fronts without taking on a Democratic-controlled Congress whose votes he needs for his economic and

social programs at home. Indeed, he is rapidly finding himself roughly in the dilemma of Pierre Mendès-France, who had to face the decision to withdraw the French army from Indochina or the prospect of not being able to govern.

Similarly, even the chairman of the Senate Foreign Relations Committee, J. William Fulbright, and the other antiwar Senators know that they will lose if they try to press too hard for limitations on the President's Commander-in-Chief powers. They want the troops out of Cambodia within a few weeks and out of Vietnam on a faster schedule than presently planned, and in the present mood of the country, the Congress and the White House, they may be able to achieve both aims without a divisive constitutional battle.

Redressing the Balance

What is happening here is another of those historic tussles to keep a fair balance between the President's power to act effectively and Congress's power to influence or control his actions. Since the invention of the atom bomb and the intercontinental ballistic missile, decisive warmaking power has swung to the President.

These devilish devices, in the hands of a nation which had proclaimed its hostility to the United States, made the Congress realize that the U.S. could be attacked and even destroyed before the Congress could ever vote, let alone debate, a declaration of war. Accordingly, it readily gave over the power to act quickly and secretly to the Chief Executives, who have been using it and adding to it.

President Truman did not seek the authority of the Congress for his intervention in the Korean War. President Johnson took the country into the Vietnam war almost by stealth. He decided when to enlarge the American expeditionary force, when to bomb and where, and when to stop the bombing—with results that increasingly convinced the Congress that it had given up too much.

In short, the swing back in Congress has been coming on for quite a while. When President Nixon challenged the Senate's right to consent to his nominations of Judges Haynsworth and Carswell to the Supreme Court, the Senate struck him down twice. And when he invaded Cambodia without consulting Congress, revolt was on.

One of the odd things about this is that the movement to

cut back the President's war-making powers is now being led, not by the conservatives, who historically have sought to limit Presidential authority, but by the liberals, who since Franklin Roosevelt's day, have approved more and more Presidential power.

Limited Objective

This present controversy, however, should not be exaggerated. Most of the President's critics have a limited objective. Mr. Nixon is going to leave the White House for over two-and-a-half years at least. The aim is not to paralyze him, but to limit his power to invade countries on his personal whim, to keep him to his promise to get out of Vietnam as fast as possible, and to commit him not to go off on more military adventures without consultation.

There are legislators, of course, who want him to get out now and some others who want to impose a deadline of a year or eighteen months for total withdrawal, but they do not have the votes. The majority is merely trying to redress the balance, leaving the President reasonable freedom of action, and guaranteeing the Congress the right of consultation and limited control.