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Another Tonkin Resolution?

The effort to curb the further spread of the Vietnam war into Cambodia and to reassert the constitutional authority of Congress in the war-making process faces a second crucial test tomorrow when the Senate is scheduled to vote on a proposal by Senator Robert C. Byrd, Democrat of West Virginia, to alter the proposed Cooper-Church amendment to the Military Sales Act.

The Cooper-Church amendment, which easily surmounted another challenge last week, would bar major American ground action in Cambodia after June 30—President Nixon's own target for the withdrawal of American forces—without the consent of Congress. It also forbids, without prior Congressional approval, the commitment of American advisers or aircraft to support the Government of Cambodia or the financing of foreign advisers or troops for that purpose.

Senator Byrd's proposal, which has the personal support of President Nixon, stipulates that the Cooper-Church amendment would not "preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to hasten the withdrawal of United States forces from South Vietnam." This sweeping exception would, in effect, nullify the Cooper-Church amendment. It would give the President arbitrary authority for future operations in Cambodia similar in scope to the blank check that Congress gave President Johnson in the now-regretted Tonkin Gulf Resolution of 1964.

The rapid spread of the Cambodian conflict beyond the announced border targets, the introduction of South Vietnamese and Thai troops in direct support of the Lon Nol regime and the dubious viability of this new allied political and military effort should serve as ample warnings against any broad extension of fresh authority to an Administration that has already abused its powers in the initial Cambodian intervention.

The President's supporters charge that the Cooper-Church amendment unduly restricts the President's powers as Commander in Chief. This argument is based on a distortion of the Cooper-Church proposals and an erroneous concept of the prerogatives of the Commander in Chief.

The Cooper-Church amendment does not bar limited tactical air and ground strikes to protect American forces operating near the border. It does assert that the President may not open a new war in another country without the consent of Congress. This is consistent with the aims of the framers of the Constitution, who specifically granted the powers to declare war and raise armies to Congress so that the Commander in Chief could not commit the country to war wherever and whenever he chose, as eighteenth-century European monarchs were accustomed to do.

The Cooper-Church amendment is a timely and legitimate attempt by Congress to reassert its responsibilities. The Byrd stipulation would pervert the amendment into another retreat from responsibility. It should be defeated.