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Legislators Take Hand in the War

WASHINGTON—The Senate's rejection, 52-47, of an attempt backed by President Nixon to water down the Church-Cooper amendment assures Senate passage of that legislation, which would halt any form of American participation in the war in Cambodia after June 30. And that means one more step has been taken to restore some balance between congressional authority and that of the Commander-in-Chief of the armed forces.

The first was the so-called "National Commitments Resolution," which purported to require the President to ask congressional approval before making any further national commitments around the world; but in actual practice, it could have little effect on the Presidency. Not so the Laos-Thailand rider next passed by Congress and even accepted by Nixon; it prohibits use of any appropriated funds to support American combat forces in those two countries.

Based on Congress' constitutional power to "raise and support armies," the Laos-Thailand action placed a geographical limit on the Southeast Asia theater of operations. Based on the same power, the Church-Cooper amendment will place a time limit on American activity in Cambodia—the same time limit already pledged by Nixon for pulling out American troops, although the amendment goes further and prohibits air operations, support for troops of other countries, or the presence of American advisers with Allied troops.

By accepting Nixon's June 30 date, and by including language disavowing any intent to limit the President's essential powers as Commander-in-Chief, the Senate has sought to make the Church-Cooper amendment as constitutional, as inoffensive to the President, and as practical in its substantive effect as possible. That approach is considered a major reason why such centrist senators as Jackson of Washington, Mrs. Smith of Maine, Pastore of Rhode Island, and even one Southern conservative, Jordan of North

Carolina, supported the Church-Cooper amendment.

These successes ought to facilitate others, so the same moderate approach to strong action is going to be tested on the longest step of all—the McGovern-Hatfield "A m e n d m e n t to end the war."

A group of senators, not all of whom are identified doves, backed by some non-congressional figures with experience in national security, are hoping to reshape the amendment for inclusion in the defense appropriations bill this summer.

As originally prepared by McGovern, Hatfield and others, the amendment provides that no funds could be spent in Cambodia for military purposes other than withdrawal, from 30 days after its passage; and in Laos and Vietnam from Dec. 31, 1970. It further specifies that all American armed forces would be withdrawn from Vietnam by June 30, 1971, unless Congress granted an extension.

Those who want to reshape this proposal plan to eliminate its Dec. 31, 1970, stage and seize instead—as they did in the Church-Cooper amendment—upon Nixon's own pledge to withdraw another 150,000 men by April, 1971 (Secretary Laird has specified May 1, 1971, and said he hoped to beat even that deadline). The idea is to legislate the pledged deadline, again under the congressional power to support armies, and to provide that Congress would have to give specific authorization for more than 284,000 troops (the prospective remainder if 150,000 are withdrawn) to be in Vietnam after the pledged date.

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