

Authority Is Cited For Use of Force

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The White House feels the President has legal authority to use American military forces, if necessary, to rescue the American ship and crew seized by Cambodia.

Various restrictions on the use of American troops in Indochina do not apply to this type of situation, a high White House official maintained yesterday.

Those congressional prohibitions, the official said, "were designed to stop American participation in hostilities in which American life and property were not at issue.

"There is no legal restriction against doing whatever he feels he has to do commensurate with the situation. He not only has the constitutional authority, he has the constitutional duty to protect the lives and property of Americans."

This view coincides with that of Sen. Jacob K. Javits (R-N.Y.), one of the key movers behind the War Powers Act of 1973, which limits use

of troops to 60 days in the absence of a declaration of war.

After emerging from the White House following a brief ceremonial meeting with the President, he said, "My feeling is the President is determined the ship and crew must be returned [but] he's keeping his shirt on. I believe the President will consult with Congress on this matter when he is ready to take military action."

Last night, Javits told a reporter that the War Powers Act "doesn't take away any of the President's powers, but it does give Congress power to stop him if it feels he's going too far.

"The President's constitutional power extends to protecting United States shipping on the high seas against attack or seizure.

"Under international law, he has the right of hot pursuit after an American vessel wherever pirates take it.

See REACT, A11, Col. 1

REACT, From A1

"If he commits the armed forces of the United States, he's got to notify us immediately, and the War Powers Act takes effect, which establishes our power if we feel action by the armed forces will lead us into war."

"There's strong sentiment here in the Congress," Javits said, "not to rush, not to be precipitate, but to be firm in getting the ship and the crew back."

Sen. John C. Stennis (D-Miss.), chairman of the Senate Armed Services Committee, said, "The attack and seizure . . . cannot be tolerated . . . We must be firm and as severe as necessary to protect Americans on board and to assure their

safe return as well as the recovery of the ship.

"We must protect our citizens and our shipping on the high seas, as well as the honor of our country."

And Sen. Robert C. Byrd (D-W. Va.), the majority whip, suggested the President should set a deadline, perhaps as short as 48 hours, for the Cambodians to release the ship and crew.

If Cambodia does not release the ship and crew by then, Byrd said, the United States should take "whatever action is necessary, including military force."

Sen. James L. Buckley (Cons.-R-N.Y.), who on Monday suggested retaliatory air and sea strikes against Cambodia, said yesterday the United States should use

"conventional high explosives."

"You don't have to 'nuke' them," said Buckley. "It means select a target with care, go at it with a scalpel, eliminate it, and go home."

Seven different pieces of legislation now contain prohibitions affecting the use of American force in Indochina, with varying language. The current appropriations act for the Defense Department states:

"None of the funds herein appropriated may be obligated or expended to finance directly or indirectly combat activities by U.S. military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia."

Prior to the evacuation from South Vietnam, the

A number of incidents involving the role as commandant-in-chief of American forces have been so cited, including the use of American transports in the Congo in 1964, American troops in the Dominican Republic in 1965, and stretching back to the use of U.S. Marines in Cuba during the Bay of Pigs in 1960 to protect American missionaries.

At least one senator, Ernest F. Hollings (D-S.C.), would like to see the U.S. Navy used now.

"Let's get away from all this talk about using the Chinese as intermediaries," Hollings said yesterday. "If that is the philosophy, then we ought to make Chou En-lai our Chief of Naval Operations."