

Members of Congress Generally Endorse

FRIDAY, MAY 16, 1975

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the Military Action Against Cambodians

But Some Note the Law Requires Consultations

NYTimes

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Special to The New York Times

MAY 16 1975

WASHINGTON, May 15 — Along with the general mood of euphoria in Congress over the success of the operation in the Gulf of Siam, there was mild criticism from some Senators and Representatives that President Ford should have complied more explicitly with the law requiring him to "consult with Congress" in advance of military operations.

The law, called the War Powers Resolution, was enacted in 1973 over a veto by President Richard M. Nixon. It resulted from a Congressional desire to have a more influential voice in the conduct of war.

Consultation Provided

the measure was designed to give the President the power to strike quickly when the circumstances demanded, but to allow Congress the right to be consulted and to end military operations if they were not seen as warranted.

Under the law, "the President, in very possible instance, shall consult with Congress before introducing United States armed forces into hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States armed forces are no longer engaged in hostilities or have been removed from such situations."

Senator Henry M. Jackson of Washington said today that he gave Mr. Ford "high marks for the way he handled" the incident. Representative Morris K. Udall of Arizona agreed that the President was "right to act the way he did.

Both Mr. Jackson and Mr. Udall are announced candidates for the Democratic presidential nomination.

Praise From Goldwater

Senator Barry Goldwater of Arizona, representing the conservative wing of the Republican party, said the President did "the only thing he could have done."

Senator Mike Mansfield of Montana, the Democratic leader of the Senate, and Senator Robert C. Byrd of West Virginia, the assistant leader, said they were grateful that the operation had been successful.

Leaders of the House of Representatives were equally generous with their praise.

Two liberal Democratic Senators questioned whether Mr. Ford had made the right decision.

Senator George McGovern of South Dakota declared that the strike had been "precipitous in view of efforts to try some diplomatic relief." Senator Gaylord Nelson of Wisconsin asked, "What vital national interest was at stake?" He said that the incident was a matter "for negotiation, not force."

A Republican, Senator Edward W. Brooke of Massachusetts, did not criticize the operation directly, but sent a series of questions to Secretary of State Kissinger about the circumstances of the ship's capture and the rescue operation.

The War Powers Resolution requires the President to report to the Speaker of the House and the president pro tempore of the Senate within 48 hours of the initial commitment of troops to hostilities.

Mr. Ford complied with the

requirement today. At about 2:30 A.M., White House officials arrived at the suburban homes of Michael Reed and Bill Simpson with a two-page letter from Mr. Ford to Carl Albert, the Speaker, and James O. Eastland, president pro tempore of the Senate.

Mr. Reed is Mr. Albert's legislative assistant, and Mr. Simpson is on Senator Eastland's staff.

The White House said that the notification period did not actually expire until 6:20 this morning, 48 hours after American planes fired across the bow

of the Mayaguez, the captured merchant ship, to prevent the ship from being moved into a mainland port.

The letter of notification raised the question of whether Mr. Ford had complied with the consultation section of the law.

It was nearly 7 o'clock Tuesday evening, more than 12 hours after the first shots were fired, before Congressional leaders were informed of the hostilities.

Between 6:55 and 8:30 P.M., White House officials telephoned more than a dozen leaders in the Senate and House to inform them of the situation.

By all accounts, the calls amounted to a notification of the action rather than a consultation.

"I was not consulted," Mr. Mansfield said. "I was notified after the fact about what the Administration had already decided to do."

William T. Kendall, a Congressional liaison officer for the White House, acknowledged that he had been given a prepared statement to read to the Senators on what amounted to a fait accompli.

However, Mr. Kendall declared, "if anyone had said, 'I think this action is inadvisable,' I would have written that down and put it in my memo and it would have been seen by the President."

None of the leaders, objected

to the military action, Mr. Kendall said.

There was no dissent in Congress from the President's contention that he had the Constitutional authority and obligation to intercede with force under his powers as commander in chief.

Some Members Critical

Nor was there any objection to the President's having acted despite several laws prohibiting the use of troops in combat in Indochina.

The view was that the President's Constitutional prerogative prevailed over those laws and that, besides, the laws had been enacted specifically to keep the United States from becoming involved in combat in support of a regime in Southeast Asia.

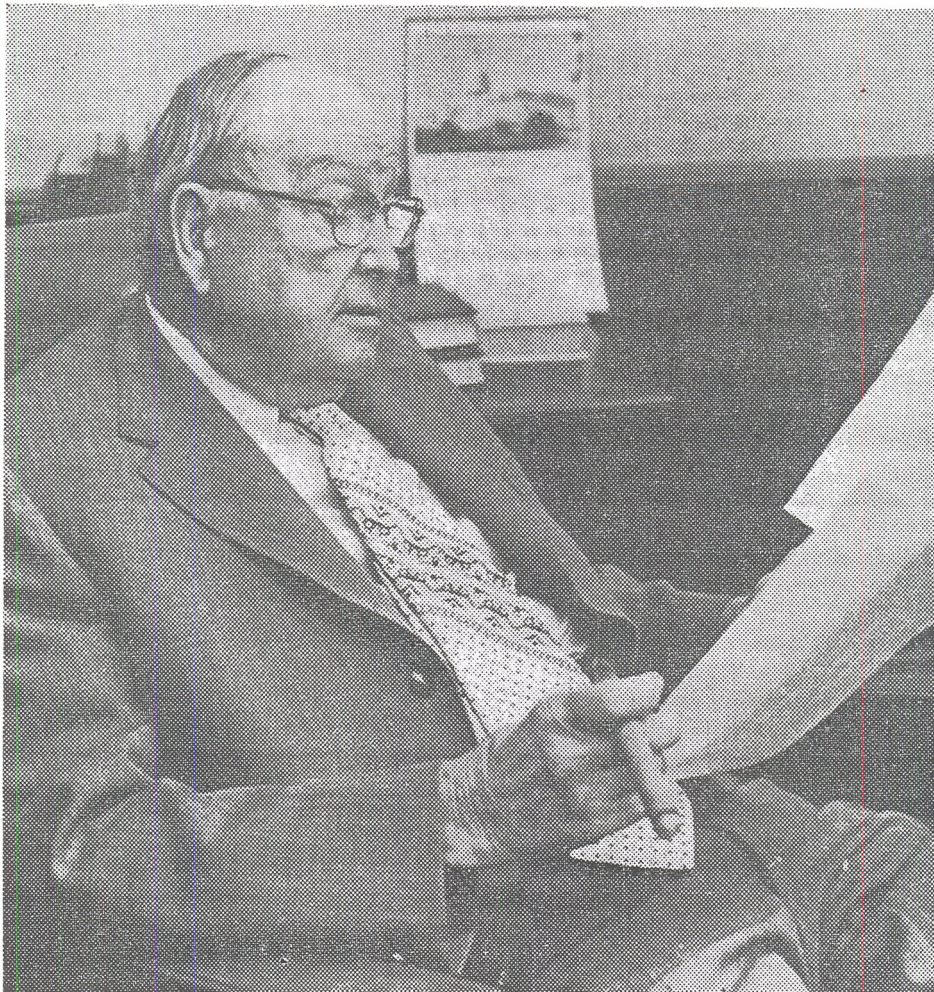
But Senator Thomas E. Eagle-

ton, Democrat of Missouri, who was one of the principal authors of the War Powers Resolution, declared that the President was required to consult with members of Congress before the fact, if possible, and "at least hear out their advice."

Senator Byrd said that he told Mr. Ford at a leadership meeting at the White House last night that the President "might have been in a lot better position, had this operation not been successful" if he had actually sought advice from Congress.

Representative John B. Anderson of Illinois, the third-ranking Republican in the House, said he was disappointed that Mr. Ford had done no more than "calling up and saying here's what we've decided."

"That doesn't really fit the new era of divided responsibility," Mr. Anderson said.



The New York Times

Senator James O. Eastland, President pro tem of the Senate, going over the notification on the Cambodia action sent to him by President Ford early yesterday morning in compliance with the resolution on war powers. The letter was sent to him at his home.