

House Passes Restrictions on President's War-Making

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WASHINGTON, Oct. 12—Despite new warnings of a veto, the House passed today and sent to President Nixon a compromise war-powers bill aimed at limiting Presidential authority to send the armed forces into foreign hostilities without Congressional approval.

The vote was 238 to 123, or three votes short of the required two-thirds needed to override a veto.

Because there were 74 absentees, it was uncertain whether the House could muster a two-thirds vote to override. On Wednesday the Senate approved the measure, 75 to 20, more than two-thirds. So far this year Congress has failed to override seven consecutive Nixon vetoes.

The war-powers bill, an outgrowth of the war in Indochina, would require the President to report to Congress within 48 hours after the commitment of the armed forces to foreign combat.

The military action would have to be terminated within 60 days unless Congress approved it. However, that time limit could be extended for 30 days if the President certified to Congress that "unavoidable military necessity" required continued use of the armed forces to protect them during their disengagement.

The two houses of Congress could terminate the military action before the deadline by passing a concurrent resolution, which would not be subject to a Presidential veto. The bill contains procedures designed to expedite Congressional action on legislation approving the President's action.

According to the final version of the bill, the Constitutional powers of the President to commit the armed forces to hostilities could be exercised only under a declaration of war, specific statutory authority or "a national emergency created by attack upon the United States, its territories or possessions, or its armed forces."

When the House initially approved the war-powers bill last July, Mr. Nixon warned that he would veto it because of its "dangerous and unconstitutional restrictions."

In the hour-long debate today representative Gerald R. Ford of Michigan, the Republican leader, said that he was "convinced" that Mr. Nixon's objections to the final version of the measure, worked out last week by Senate-House conferees, were "equally valid."

Several liberal Democrats voted against the bill on the ground that it gave war-making powers to the President not contained in the Constitution. Representative Elizabeth Holtzman, Democrat of Brooklyn, argued that if a President committed an "unconstitutional and illegal" action in committing the armed forces, he could continue that action for at least 60 days.

Representative Clement J. Zablocki, Democrat of Wisconsin

and the main author of the bill in the House, contended that the measure was an effort by Congress "to insure that it is permitted to exercise to the fullest its Constitutional responsibilities over questions of peace and war."

Another opponent of the bill, Representative Jack Kemp, Republican of Erie County, N. Y., cited the renewed war in the Middle East and denounced the 60-day time limit on a military action. He told the House:

Powers

"Can you imagine our meeting here on the 59th day with 535 commanders in chief, some saying 'attack,' some saying 'retreat,' some saying 'go sideways'?"

He said that would be "chaos."