

# SENATE UNIT VOTES TO RESTRICT FUNDS IN CAMBODIA WAR

Assent of Congress Would  
Be Needed to Pay for Any  
New Military Efforts

## 9-1 COMMITTEE ACTION

State Department Protests  
Bill Would Harm Powers  
of Commander in Chief  
MAY 12 1970

By JOHN W. FINNEY  
Special to The New York Times

WASHINGTON, May 11—Over State Department objections that Congress was proposing to restrict the President's constitutional powers as Commander in Chief, the Senate Foreign Relations Committee approved an amendment today to cut off funds for future American military activities in Cambodia.

The amendment, attached to a foreign military sales bill, now goes to the Senate floor, where it will provide a test of sentiment on the Cambodian operation. It could also provoke a constitutional dispute between the Senate and the executive department over the war powers of the President.

With a group of Senators seeking to challenge President Nixon on his decision to extend United States attacks into Cambodia, the amendment was rushed through the Foreign Relations Committee after one day of discussion. It was scheduled for consideration by the Senate later this week, probably starting Thursday.

### Present Effort Excluded

As interpreted by its sponsors—Senators John Sherman Cooper, Republican of Kentucky, and Frank Church, Democrat of Idaho—the amendment would not keep the President from carrying out the present Cambodian operation, but could keep him from embarking on future military actions in Cambodia without the approval of Congress.

The amendment would provide that the President could not use any funds appropriated by Congress for "retaining" American military forces in Cambodia, for providing American military advisers, instructors or mercenaries to the Cambodian Government or for

Continued From Page 1, Col. 8

conducting any air combat over Cambodia in support of Cambodian forces.

The amendment was adopted by the committee by a vote of 9 to 4 shortly after the State Department sent a letter raising a constitutional objection to restrictions on the President's authority as Commander in Chief.

In a letter signed by David M. Abshire, Assistant Secretary for Congressional Relations, the State Department said the "general thrust" of the amendment was "in consonance with the President's expressed intentions concerning the limited role of United States forces in Cambodia."

"As a general principle," however, the letter said, "we do not consider it desirable that actions of the Commander in Chief should be subject to statutory restrictions."

In particular, it continued, "no such amendment should restrict the fundamental powers of the President for protection of the armed forces of the United States."

As the Cooper-Church amend-

ment stands, the State Department said, it might be interpreted as diminishing the fundamental powers of the President, "thus limiting the President's authority to take actions which he finds to be essential for the defense of United States forces."

The State Department also objected that sections in the amendment—particularly those prohibiting any military advisers or United States-supported mercenaries for Cambodian forces—were "subject to a great variety of interpretations which might adversely affect the President's policy on Vietnam and steady replacement of American combat forces in Vietnam."

The State Department suggested that the amendment be revised to "make it clear that the President is entitled to take action to protect the lives of American troops within the Republic of Vietnam."

Not only did the committee reject this suggestion, but it proceeded to strengthen the amendment beyond the original proposal offered by Senators Cooper and Church.

Originally the amendment provided that no funds could be

used by the President for retaining "U.S. ground combat forces" in Cambodia. In light of the disclosure that the United States Navy was assisting a naval operation up the Mekong River in Cambodia, the committee decided to broaden the prescription to include "United States forces."

As interpreted by the amendment sponsors, this broader definition would mean that the President could not send either ground combat or naval forces into Cambodia in the future.

The one major exception was that American planes could still provide combat support for South Vietnamese units operating in Cambodia.

Democratic and Republican leaders differed on the prospects for the amendment.

### Text of Amendment

Senator Mike Mansfield of Montana, the Democratic leader, predicted the amendment would be approved by the Senate.

But Senator Hugh Scott of Pennsylvania, the Republican leader, said that the amendment would have the support of only 30 Senators.

Following is the text of the

Church-Cooper amendment, titled "Prohibition of Assistance to Cambodia":

"In order to avoid the involvement of the United States in a wider war in Indochina and expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended for the purpose of—

1. Retaining United States forces in Cambodia;
2. Paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces;
3. Entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces; or
4. Conducting any combat activity in the air above Cambodia in support of Cambodian forces.

Continued on Page 17, Column 1



United Press International

**VOTE ON CAMBODIAN OPERATION FUNDS:** The Senate Foreign Relations Committee in session in Washington yesterday. From foreground: John Sherman Cooper of

Kentucky, Clifford Case of New Jersey, leaning forward, and George D. Aiken of Vermont, Republicans; J. W. Fulbright of Arkansas and Frank Church of Idaho, Democrats.