

A Major Anti-War Victory in Senate

Vote Is A Defeat For Nixon

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Washington

The Senate, in one of the most important foreign-policy votes of recent years, went on record yesterday as opposing unlimited authority for the President to commit the United States to major military actions without the consent of Congress.

In a stunning defeat for President Nixon, the senate by a 52-47 vote rejected language that would have authorized him, ahead of time, to send U.S. troops back into Cambodia after July 1 whenever he thought it was necessary to protect American forces in South Vietnam.

The vote served clear notice on Mr. Nixon that the Senate intends to assert its right to participate in foreign policy commitments and not to give the President a free hand to act on his own.

President Nixon and Republican leaders had strongly backed the language defeated yesterday, which was sponsored by Senator Robert C. Byrd (Dem - W. Va.) as a revision of the anti-war Cooper-Church amendment.

APPROVAL

The latter, which is being considered as an amendment to the foreign military sales bill, would require the President to seek the advance approval of Congress for any further troop involvement in Cambodia.

Mr. Nixon has said this requirement might obstruct his powers as Commander in Chief to take action to protect the lives of U.S. forces. So, before the vote on the Byrd proposal, majority leader Mike Mansfield (Dem - Mont.) introduced a concession to the administration: language specifying that nothing in the Cooper-Church amendment would detract from the President's powers as Commander in Chief.

The Mansfield move was
See Back Page

From Page 1

designed both to take votes away from the Byrd proposal and to please those administration supporters who feared that Cooper-Church might impinge on the Chief Executive's constitutional powers. Once the Byrd proposal was rejected, the Mansfield concession was adopted, 91-0.

POWER

Senators J. W. Fulbright (Dem-Ark.), John Sherman Cooper (Rep-Ky.), and Frank Church (Dem-Idaho) have argued repeatedly that the Cooper-Church amendment would not block the President's inherent power as Commander-in-Chief in clear emergencies in Cambodia or elsewhere. For example, they have said, he could send U.S. troops across the Cambodian border for hot pursuit of fleeing Viet Cong forces to repel the immediate danger of an attack or to recapture prisoners just over the border.

But they maintain that any larger premeditated military action not involving an immediate emergency should not be taken without the approval of Congress.

Fulbright, putting the matter in a wider context, indicated the real issue was whether the Senate was willing to endorse the principle that the President, using the pretext that the U.S. forces in one country were put in danger by developments in a nearby area, should have unlimited power to undertake military action in that nearby area without congressional assent.

DEFEAT

Yesterday's 52-47 vote was the third defeat for the Nixon Administration in the four key votes taken in the Senate since Mr. Nixon came to office. He won the first tussle last summer, when the Senate by a one-vote margin rejected a move to kill the anti-ballistic missile system. But then he lost on the Supreme Court nominations of Clement F. Haynsworth Jr. and G. Harrold Carswell.

In the balloting yesterday, the President lost most of those senators who had been considered doubtful till the last minute.

The Senate galleries burst into applause when the outcome of the vote was announced and Vice President Spiro Agnew, in the chair, threatened to have them cleared if another such breach of decorum occurred.

The Senate has been debating the Cooper-Church amendment since May 13. Yesterday's vote, while putting the Senate on record as wishing to participate in

major foreign policy making, nevertheless does not automatically mean that the Cooper-Church amendment will be enacted into law.

CHALLENGE

A second major challenge will arise when Senator Robert P. Griffin (Rep.-Mich.) seeks to nullify another Nixon-opposed section forbidding the U.S. to finance foreign troops fighting in Cambodia on behalf of the Cambodian government.

Should the Cooper-Church amendment resist all major changes of this type, and then go on to Senate adoption, it would still have to be considered in a conference with the House, which is far less likely to accept it. The President would also have the option of vetoing the foreign military sales bill if it does emerge from conference. The administration wants the sales bill because it authorizes \$600 million for credit sales of arms overseas.

Senate's Anti-War Vote

Washington

Here is the 52 to 47 vote by which the Senate rejected an amendment by Senator Robert C. Byrd to spell out the President's authority to take whatever action he decides is necessary to protect U.S. troops in Vietnam:

For the amendment—47.

Democrats for:

Allen of Ala., Bible of Nev., Byrd of Va., Byrd of W.Va., Cannon of Nev., Dadd of Conn., Eastland of Miss., Ellender of La., Ervin of N.C., Hollander of Fla.

Hollings of S.C., Long of La., McClellan of Ark., McGee of Wyo., Russell of Ga.

Sparkman of Ala., Stennis of Miss., Talmadge of Ga.—18.

Republicans for:

Allott of Colo., Baker of Tenn., Bellmon of Okla., Bennett of Utah, Boggs of Del.

Cook of Ky., Cotton of N.H., Curtis of Neb., Dole of Kan., Dominick of Colo.

Fannin of Ariz., Fong of Hawaii, Goldwater of Ariz., Griffin of Mich., Gurney of Fla.

Hansen of Wyo., Hruska of Neb., Jordan of Idaho, Miller of Iowa, Murphy of Calif.

Pearson of Kan., Prouty of Vt., Scott of Pa., Smith of Ill., Stevens of Alaska.

Thurmond of S.C., Tower of Texas, Williams of Del., Young of N.D.

Against the Amendment—52

Democrats against—

Anderson of N.M., Bayh of Ind., Burdick of N.D., Church of Idaho, Cranston of Calif.

Eagleton of Mo., Fulbright of Ark., Gore of Tenn., Gravel of Alaska, Harris of Okla.

Hart of Mich., Hartke of Ind., Hughes of Iowa, Inouye of Hawaii, Jackson of Wash.

Jordan of N.C., Kennedy of Mass., Magnuson of Wash., Mansfield of Mont., McCarthy of Minn.

McGovern of S.D., McIntyre of N.H., Metcalf of Mont., Mondale of Minn., Montoya of N.M.

Moss of Utah, Muskie of Maine, Nelson of Wis., Pastore of R.I., Pell of R.I.

R.I.L.

Proxmire of Wis., Randolph of W. Va., Ribicoff of Conn., Spong of Va., Symington of Mo.

Tydings of Md., Williams of N.J., Yarborough of Tex., Young of Ohio—39

Republicans against—

Aiken of Vt., Brooke of Mass., Case of N.J., Cooper of Ky., Goodell of N.Y.

Hatfield of Ore., Javits of N.Y., Mathias of Md., Packwood of Ore., Percy of Ill.

Saxbe of Ohio, Schweiker of Pa., Smith of Maine—13

Absent—Mundt (Rep-S.D.).

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