

WAR-POWERS BILL IS FILED BY JAVITS

Congress Would Have to Act
on Conflict After 30 Days

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WASHINGTON, June 15— Senator Jacob K. Javits today broadened and perhaps extended the Senate's constitutional debate by proposing that Congress limit by law the war-making powers of the Presidency.

Under a bill introduced by the New York Republican, Congress would specify that the President could not commit American troops to hostilities for longer than 30 days without obtaining Congressional consent.

The White House, which has resisted other attempts to curtail the President's authority, had no comment on the Javits bill.

Mr. Javits's proposal represents an attempt to define the division of power between Congress, with its authority to declare war, and the President, with his power as Commander in Chief to commit forces to combat.

On the one hand, it seeks to protect the discretionary authority of the President as Commander in Chief to take emergency actions in the absence of a Congressional declaration of war. But at the same time it seeks to place Congressional checks on the use of this authority by requiring the President to obtain approval for any sustained hostilities.

Fifth Week of Debate

The Javits bill was introduced as the debate in the Senate on Cambodia entered its fifth week, with indications that the final vote would not come until next week on the Cooper-Church move to limit future military activities in Cambodia.

Senators John S. Cooper, Republican of Kentucky, and Frank Church, Democrat of Idaho, have introduced an amendment to the Military Sales Act that would prohibit the President from spending any money to retain United States forces in Cambodia after July 1.

Senator Javits described his proposal as the "logical capstone" to the series of amendments before the Senate seeking to limit future military activity in Southeast Asia. These amendments in one way or an-

other have sought to use the appropriations power of Congress to limit or change decisions made by the President.

In contrast, the Javits proposal would seek to clarify the Constitutional ambiguities on the war-making power and adapt the Congressional power to declare war to what the Senator described as "the realities of modern, undeclared warfare."

Under the proposal, the President, in the absence of a declaration of war, could commit American forces to hostilities under the following circumstances:

¶To repulse a sudden attack against the United States or its possessions.

¶To repulse an attack against the armed forces of the United States on the high seas or lawfully stationed on foreign territory.

¶To protect the lives and property of American nationals.

¶To comply with a national commitment such as a mutual defense treaty ("where immediate military hostilities by the armed forces of the United States are required.")

A 30-Day Limit

Such hostilities could not be continued more than 30 days unless "affirmative legislative action" was taken by Congress to sustain continuation of the military action.

The legislative action would not necessarily take the form of a declaration of war, which Senator Javits suggested has become generally outmoded, but more likely would be a Congressional resolution endorsing the President's action.

The Javits proposal has generated interest in the Senate Foreign Relations Committee, which has already ordered a legal study into the division of war-making powers.

One indication that the Javits proposal might command conservative support came when Senator Robert J. Dole, a conservative Republican from Kansas, immediately endorsed and cosponsored the bill.

A proposal somewhat similar to the Javits bill has been introduced in the House by Representative Dante B. Fascell, Democrat of Florida. A House Foreign Affairs subcommittee will begin hearings Thursday on the Dante proposal, with McGeorge Bundy, former White House National Security adviser and now president of the Ford Foundation, as the first witness.

The prolonged debate on Indochina is beginning to create a legislative logjam in the Senate and to upset earlier plans for adjournment around Labor Day.

Backed up on the Senate's legislative calendar are a supplemental appropriations bill, an education appropriations bill, postal reform and legislation raising the debt ceiling July 1. These bills are all wanted by the Administration.