ROGERS OPPOSES WAR-POWER CURB MAY 1 5 1971

Tells Critical Senators Any **Restriction on President** Would Be Impractical

By JOHN W. FINNEY

cial to The New York Times WASHINGTON, May 14 Secretary of State William P Rogers told the Senate Foreign Relations Committee today that proposed legislation to restrict the President's war powers was impractical, probably unconsti-tutional and would weaken the President's ability to act

in a crisis. Rather than attempting to impose what he called "arbi-trary limits" on Presidential powers, Mr. Rogers suggested that Congress and the executive branch should deal with the issue in a spirit of cooperation and mutual trust.

His argument drew a critical response from both Democrats and Republicans on the committee, who protested that cooperation and consultation had not worked and had only led to usurpation of powers by the President.

In one of his infrequent public appearances before the committee, Mr. Rogers testified for more than three hours in op-Continued on Page 4, Column 3

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position to various bills that have been introduced by Sena-tors Jacob K. Javits, Republican of New York, Thomas F. Eagle-ton, Democrat of Missouri and, most recently, by John C. Sten-nis, Democrat of Mississippi, who is chairman of the Armed Services Committee. Basically, these bills would authorize the President to un-dertake military action in cer-

dertake military action in cer-tain emergency situations, such as an attack on American troops, but not for more than 30 days without Congressional authorization

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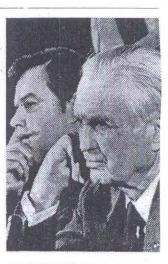
pears that you are following ex-actly the course of your prede-cessors. You have gone almost as far as Mr. Katzenbach." Bristling at the suggestion that he endorsed the position that he endorsed the position of Nicholas deB. Katzenbach, former Under Secretary of State, that the power of Con-gress to declare war was out-moded in the nuclear age, Mr. Rogers said he specifically and emphatically rejected this conmoded in the nuclear age, Mr. Rogers said he specifically and emphatically rejected this con-tention. "Can I say it any more clearly?" he snapped, glaring at the committee chairman. Senator Fulbright retorted,

Senator Fulbright retorted, "The message of your testi-mony is that Congress has no role to play and we should be good boys and receive your briefings."

Suggests Postponement

In his opening statement, Senator Fulbright said "the pendulum has begun to swing away from the dangerous prac-tice of Presidentially initiated warfare." "If," he warned, "the execu-tive undertakes to thwart the current effort to restore Con-stitutional balance by all of the considerable means at its dis-posal, it is entirely possible that

considerable means at its dis-posal, it is entirely possible that Congress will be driven to em-ploy some of unused means at its disposal, and that, as a re-sult, the pendulum will swing too far, carrying us toward the kind of overbearing Congres-sional role which resulted in the rejection of the League of Na-tions in 1919." Mr. Rogers said that the Ad-ministration was prepared to cooperate with Congress and suggested that the issue be laid aside until "Vietnam has faded into the past." Both in his prepared state-ment and under questioning, t



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30 days without Congressional authorization. The effect of Mr. Rogers's testimony, as Senator Clifford P. Case, Republican of New Jer-sey, put it at the conclusion of the hearing in the Senate Cau-cus Room, was to turn the is-sue into another Constitutional confrontation. As Mr. Rogers finished read-ing a 41-page statement that amounted to a legal brief against any war-powers legisla-tion, Senator J. W. Fulbright, Chairman of the committee, peered over his glasses and said:

said: "I cannot remember when I have been more disappointed at the negative response of the executive branch. **Rejects Katzenbach View** "The more I observe this Ad-ministration, the more it ap-pears that you are following ex-weak the proposed bills would "freeze the alloca-tion of the war power be-ty-veen the President and Con-gress—a step which the framers in their wisdom quite delib-erately decided against" — and would "narrow the power at the con-size of the the proposed the proposed bills would "freeze the alloca-tion of the war power be-ty-veen the President and Con-gress—a step which the framers in their wisdom quite delib-erately decided against" — and would "narrow the power the President by the Con-

Senator Case objected that rather than cooperation, the Constitution provided for a di-vision of the powers, "pre-cisely to make it more diffi-cult to get into war." In this context, the Senator protested, "flexibility" for the President is "an evil word."