

Senate G.O.P. Chief Backs Restrictions on President's Warmaking Powers

By JOHN W. FINNEY
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WASHINGTON, July 27 — Hugh Scott of Pennsylvania, the Senate Republican leader, threw his support today behind proposals to put legislative restrictions on the warmaking powers of the Presidency.

The Senator thus broke with the Nixon Administration, which has opposed any legislation on war powers on the ground that it would interfere with the President's flexibility in foreign policy. Earlier this month Representative Gerald R. Ford, the House Republican leader, endorsed the general concept of legislation being advanced in the Senate.

Bill May Emerge in Fall

In explaining at hearings of the Senate Foreign Relations Committee that he had "come down a long road to the conclusion" that Congress must reassert its powers on war, Senator Scott appeared to criticize practices in the Nixon Administration as well as previous administrations. Without Congressional action, he said he did not see how to stop the situation in which the executive branch "maintains as much secrecy as possible to the point of suffocation and isolation."



United Press International

Sen. J. W. Fulbright testifying in Washington yesterday

said, "when Congress will not foreexamination by the legal be denied the right to partici- and academic community as page, in accordance with the well as the executive branch. The hope of Senator J. W. Fulbright, the committee chair- mous business of how wars are begun."

With Senator Scott's support, it now seems likely that the Foreign Relations Committee will report out a bill after the August Congressional recess, a blend of proposals offered

by Senators Jacob K. Javits, Republican of New York, Thomas F. Eagleton, Democrat of Missouri; Lloyd M. Bentsen Jr., Democrat of Texas; Robert Taft Jr., Republican of Ohio, and John C. Stennis, Democrat of Mississippi. In various ways, their proposals would authorize the President to undertake military actions in certain emergency situations but specify that the President could not continue hostilities beyond a certain period without Congressional approval.

Meanwhile, a Senate Judiciary subcommittee headed by Sam J. Ervin Jr., Democrat of North Carolina, opened hearings on legislation to keep the executive branch from withholding information from Congress. The subcommittee is considering a Fulbright bill that would require employees of the executive branch to appear before Congressional committees when summoned, even if they then declined to disclose information, claiming "executive privilege" approved by the President.

Senator Fulbright is planning to introduce a second bill that would specify that information could be withheld from Congress only on the basis of a formal invocation of executive privilege approved by the President.

In an opening statement, Senator Ervin complained that the current executive branch's denial of information to Congress, on the ground that "no useful purpose" would be served, reflects "an apparent disdain for the right of the American people to be informed fully."

The same theme was picked up by Senator Fulbright, the opening witness, who charged that the Nixon Administration was conducting foreign policy through a White House "super-bureau" that is "shielded from Congress and the American people behind a barricade of executive privilege."

"The China visit," he said, "provides a striking example of the way in which the new foreign policy apparatus in the White House circumvents the Congress."

It would have been "useful and appropriate," he argued, for Henry A. Kissinger to have consulted with the Foreign Relations Committee before he went to China and to report now to the committee on his trip. Except for a few informal meetings arranged through the committee staff, Mr. Kissinger, on orders from the White House, has refused to meet with the Foreign Relations Committee.

Testifying before the Foreign Relations Committee on war powers legislation, George W. Ball, Under Secretary of State in the Kennedy and Johnson Administrations, said "the myth of executive privilege" had been "greatly exaggerated" by the executive branch. He said that Congressional committees "should be far better informed" on foreign policy decisions "that has been the practice in the past."

Mr. Ball applauded the efforts to reassert Congressional powers and thus "erect a carefully designed procedural impediment to the kind of creeping involvement to which we succumbed in Vietnam."

Opportunity for Objectivity

He said that Congress could be more objective and detached on the "hard questions" of hostilities since "recent experience has shown the executive may be so absorbed by operational problems—by tactics as opposed to strategy—that, instead of asking whether we should commit more forces to secure certain objectives—or indeed whether those objectives are worth the cost already incurred—he instead asks how can we utilize more resources to do the job."

Mr. Ball cautioned, however, against imposing too specific limitations on the President's warmaking powers, which might inhibit his flexibility in crises. At most, he suggested, a President should be required to receive Congressional approval within 30 days after committing forces to hostilities. This, he said, would serve as "a cautionary provision" that would "tend to deter Presidents."