

War Powers Bill Wins Test in Senate, 60 to 26

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WASHINGTON, April 11 — Legislation defining the war powers of the president survived a test today when the Senate refused, by a vote of 60 to 26, to send the measure to the Judiciary Committee for further study.

The one-sided vote indicated that the Senate, probably later this week, would approve the measure. The bill, while authorizing the President to make emergency use of the armed forces, would provide that he cannot continue hostilities for more than 30 days without congressional approval.

As the Senate finally settled down to voting on provisions of the bill after a week of debate, it refused to take a direct vote on a proposal by Senator Mike Gravel, Democrat of Alaska, that the United States declare war on North Vietnam. By a vote 78 to 7, the Senate laid aside the declaration, which Senator Gravel had offered as an amendment.

The senate also rejected, by a vote of 74 to 11, another Gravel amendment that would have specified that the legislation applied to the Vietnam war. The Vietnam war is excluded from the terms of the bill as it was approved by the Foreign Relations Committee.

Also defeated, by a vote of 56 to 28, was an amendment by Senator J. W. Fulbright, chairman of the Foreign Relations Committee, that would have specified that the bill, by exempting the Vietnam war, did not confer upon the President any authority to continue hostilities in Southeast Asia.

The effect of both the Gravel

and Fulbright proposals would have been to undo a basic understanding that led to sponsorship of the legislation by a coalition of liberals and conservatives.

Senator John Stennis, the chairman of the Armed Services Committee, for example, agreed to co-sponsor the bill with Senator Jacob K. Javits, Republican of New York, on the understanding that the measure would not apply to the Vietnam war.

The sponsorship of Senator Stennis is crucial in providing conservative support for the legislation.

From today's votes it was apparent that the coalition was holding firm and that it had a clear majority to drive the bill through the Senate over the opposition of the Administration. Even if passed by the Senate, however, the legislation is believed unlikely to be approved this year by the House.

The Administration, which has been opposing the bill as unconstitutional and as an unwise limitation upon the powers of the President, had hoped to block the measure by sending it to the Judiciary Committee. The motion was offered by Senator Roman L. Hruska, Republican of Nebraska, who along with Senator Barry Goldwater, Republican of Arizona, was working closely with State Department officials in lobbying against the measure.

Proponents of the measure said they sought to restore the war powers of the Congress by establishing procedures under which Congress, in an era of undeclared war, would be involved in decisions of war and peace.