

## WARTIME POWERS STUDIED BY PANEL

Group in Senate Would End  
1950 State of Emergency

By JAMES M. NAUGHTON

Special to The New York Times

WASHINGTON, Jan. 13—A special committee of the Senate is quietly exploring potential methods to legislate an end to the state of national emergency caused by the war—not the war in Vietnam, but the Korean War.

Technically, the United States has been in a national emergency, under which a President can exercise extraordinary legal powers, since 12:45 P.M. on Dec. 26, 1950, when President Truman signed a proclamation declaring that "recent events in Korea and elsewhere constitute a grave threat to the peace of the world."

The Korean War ended on July 26, 1953, but the state of emergency did not. There is no uniform rule for declaring a state of emergency. There is no established routine for terminating it. There is not even a legal definition of a "national emergency."

But, under some 200 emergency laws enacted before and since 1950, and put into effect by the 1950 proclamation, President Nixon has the authority today to sell strategic materials, seize real estate or personal property, suspend broadcast regulations, mobilize industries, control travel by Americans abroad and curtail other personal liberties — without any approval from Congress.

"Vietnam is, of course, the terrible example," but not the sole reason, said Senator Charles McC. Mathias Jr. of Maryland, in explaining why the Senate is examining ways that Congress might terminate the cold war emergency and re-examine the whole issue of emergency powers.

"We want to find out," said Senator Frank Church, Democrat of Idaho, "how far these powers presently reach and whether any of this is any longer justified."

At the instigation of Mr. Mathias, the Senate created last August the Special Committee on the Termination of the National Emergency. Mr. Mathias and Mr. Church were designated as co-chairmen, the only such arrangement in the Democratic-controlled Congress. The eight-member committee has four Democrats and four Republicans.

### Staging Ground

Before the committee makes its final report to the Senate in about a year, it could become a staging ground for the attempt by Congress to reassert its foreign affairs authority and redefine the limits of Presidential war powers.

Senator Mathias said in an interview last week that one goal of the committee was to help "restore the constitutional checks and balances that are so badly out of kilter."

He cited the following reasons why the Presidency has steadily accumulated and Congress has steadily lost power under every President since Franklin D. Roosevelt:

¶The enormous international power of the United States, which, Mr. Mathias said, automatically makes the President a pre-eminent world figure and "distorts his authority domestically in relation to the other branches of Government."

¶News media concentration on the White House, rather than on the members of Congress, enabling a President to "send his message into every house in America" in a way that no single Senator or Representative can.

¶Delegations of power that Congress has been making to the executive branch under emergency laws since 1917 or longer. "Not many country lawyers would have given these powers away without some termination date," Senator Mathias said.

¶Demonstrations by Congress that it is "inept or incompetent" to carry out responsibilities granted to it by the Constitution. The clearest example, in Mr. Mathias's view, is the failure of Congress to develop an appropriations system under which the Federal budget could be balanced.

Congress is considering a number of remedies to its appropriations problems this year, and Congressional opponents of the Vietnam war are threatening to try to end it by cutting off military appropriations for Southeast Asia.

But Senator Mathias and Senator Church see the emergency powers issue as, in the latter's words, "the very nexus of the whole effort to redress the imbalance of power between the legislative and the executive."

"We simply have to recover some of these powers," Mr. Mathias asserted.

The first step, drawing up a catalogue of the various emergency laws, should be completed next month by a staff directed by William Miller. The committee intends to hold hearings later to determine whether and, if so, how the laws should be altered or eliminated.

The Nixon Administration has pledged to cooperate in the study. But the State Department notified the Senate last year that the Administration believed "a number of statutes dependent on the existence of a national emergency cannot be allowed to lapse at this time." Among them is the Trading With the Enemy Act of 1917, under which the Government bans trade with North Vietnam.