

# FULBRIGHT PANEL VOTES TO REPEAL TONKIN MEASURE

Acts to End a Basis for War  
Involvement and Also the  
'57 Mideast Declaration

Special to The New York Times

WASHINGTON, April 10—

The Senate Foreign Relations Committee voted today to appeal the 1964 Gulf of Tonkin resolution, which was frequently cited by President Johnson as Congressional authorization for the United States military involvement in Vietnam.

A resolution adopted unanimously by the committee today would also repeal the 1957 Middle East resolution, in which the United States offered military assistance to any Middle Eastern country threatened by Communism.

In view of the Administration's neutral position, it seemed likely that the action to repeal the resolution would be approved by the Senate. Less certain was the likelihood of action by the House.

The Tonkin resolution was quickly approved by Congress in August, 1964, after two America destroyers reportedly came under attack by North Vietnamese torpedo boats in the Gulf of Tonkin. Its passage marked a turning point in the Vietnam conflict, leading to the bombing of North Vietnam and large-scale introduction of ground troops into South Vietnam.

## Subject of Controversy

Over the years, the legal authority conferred in the Tonkin resolution has become a subject of growing controversy in a Congress that has become increasingly intent on reasserting its constitutional authority to declare war.

Nicholas deB. Katzenbach, the former Under Secretary of State in the Johnson Administration, once described the resolution as a "statutory equivalent" to a declaration of war by Congress. President Johnson often pointed to the resolution as Congressional authorization for the military actions he had taken in Vietnam.

In its wording, the resolution does not specifically provide a Congressional authorization to the President for military actions in Southeast Asia. But indirectly it does by providing Congressional support for actions decided upon by the President.

The resolution states that Congress "approves and supports the determination of the President, as Commander in Chief, to take all necessary measures . . . to prevent further aggression" in Southeast Asia. And it declares that the United States is prepared, "as the Pres-

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ident determines, to take all necessary steps including the use of armed forces," to assist nations covered by the Southeast Asia collective defense treaty.

As Senator J. W. Fulbright, the committee chairman, acknowledged, repeal now of the Tonkin resolution may have little or no practical or legal effect.

The Nixon Administration has contended it is not relying upon the resolution for its military actions in Vietnam but rather is relying upon the President's authority as Commander in Chief to protect American troops as they are withdrawn from South Vietnam. For this reason, the Administration has taken a neutral position on repeal of the resolution.

The committee's action, however, represents its first specific step to repeal a series of resolutions that were passed by Congress, starting in the cold war period. Senator Fulbright described the committee's action as part of a "continuing process" to review existing treaties and commitments and "to clear away the underbrush that is out of date."

The Middle East resolution, passed during a political crisis in Lebanon, states that the United States regards as vital "the preservation of the independence and integrity of the nations of the Middle East." The Nixon Administration has taken the position that this would continue to be United States policy even if the resolution were repealed.

The repeal resolution adopted by the committee today was an

adaptation of a broader resolution introduced by Senator Charles McC. Mathias, Republican of Maryland, that in addition would have repealed a 1962 Cuban resolution and a 1955 Formosa resolution.

One reason the committee singled out the Tonkin and Middle East resolutions was that both contained provisions declaring that they could be repealed at any time by joint action of the House and Senate, with no Presidential approval required.