

Undoing a 'Historic Mistake'

On August 2, 1964, in the face of a deepening military and political crisis in South Vietnam and on the eve of a bitterly contested Presidential campaign in the United States, the Johnson Administration announced that the United States destroyer Maddox had been the target of an "unprovoked attack" by PT boats while on "routine patrol in international waters" in the Gulf of Tonkin off North Vietnam. Two days later, the Pentagon reported a second attack.

Within hours, President Johnson had ordered American war planes to launch their first attacks against North Vietnam and he had submitted to Congress a resolution authorizing the President "as Commander-in-Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression . . . in Southeast Asia."

Congress approved that Tonkin Gulf resolution which this newspaper editorially described as "virtually a black check," almost without debate. Members brushed aside doubts raised by Senators Morse of Oregon and Gruening of Alaska, who warned that "We are in effect giving the President . . . warmaking powers in the absence of a declaration of war. I believe that to be a historic mistake."

Nearly six years and 40,000 American deaths later, Congress moved to acknowledge the judgment of Senator Morse—who in 1968 was defeated for re-election when the Senate Foreign Relations Committee voted unanimously last week to repeal the Tonkin Resolution. That move is soundly based on new evidence that the Maddox was not on "routine" patrol—she was an electronic intelligence ship; that the destroyer penetrated coastal waters claimed by North Vietnam as part of her territorial sea, and that the United States warship was operating provocatively in an area where the South Vietnamese had been conducting naval attacks against North Vietnamese coastal positions. Furthermore, there is serious doubt whether the second reported attack ever occurred.

The repeal action is tragically tardy. The Johnson Administration interpreted the resolution as "the functional equivalent of a declaration of war" and cited it repeatedly as justification for the rapid escalation of American participation in the Vietnam conflict without further formal Congressional approval.

Repeal today is timely, nevertheless. Although the Nixon Administration now says its actions in Southeast Asia are not based on the authority of the resolution, as long as the Tonkin Resolution stands there remains the danger that this "predated declaration of war," as Senator Morse called it, may once more be invoked, against the better judgment of a sadder but wiser Congress.

Repeal of the Gulf of Tonkin Resolution will not of itself curb the President's war-making powers. But it is a move to restore to Congress the freedom to exercise its Constitutional responsibilities to share in the vital war-making decisions with more deliberation than it has in the recent past.